



Great Britain. - Geo. III. King
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38 Geo. III. Public General
Acts, c. 23.

ANNO REGNI
GEORGI III.
R E G I S

Magnæ Britanniae, Franciæ, & Hiberniæ,
TRICESIMO OCTAVO.

At the Parliament begun and holden at *West-*
minster, the Twelfth Day of *July* Anno
Domini 1796, in the Thirty-sixth Year of
the Reign of our Sovereign Lord GEORGE
the Third, by the Grace of God, of
Great Britain, France, and Ireland, King,
Defender of the Faith, &c.

And from thence continued, by several Prorogations,
to the Second Day of *November* 1797; being
the Second Session of the Eighteenth Parliament
of *Great Britain*.



L O N D O N :

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ANNO TRICESIMO OCTAVO
GEORGII III. Regis.

C A P. XXIII.

*An Act for punishing Mutiny and
Desertion; and for the better Pay-
ment of the Army and their Quar-
ters.* [9th March 1798.]

I. **W**HEREAS the raising Preamble.
or keeping a Standing
Army within this King-
dom in Time of Peace, unless it
be with the Consent of Parlia-
ment, is against Law: And whereas
it is judged necessary by His Ma-
jesty, and this present Parliament,
that a Body of Forces should be con-
tinued for the Safety of this King-
dom, the Defence of the Posses-
sions of the Crown of *Great Bri-*
tain,

A 3

Number
of Forces
48,609, in-
cluding 5,766
Invalids.

tain, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Forty-eight thousand six hundred and nine effective Men, including Five thousand seven hundred and sixty-six Invalids: And whereas, during the late War, in which His Majesty has been engaged, some Part of His Majesty's Forces, exceeding the Number aforesaid, has been employed in distant Parts beyond the Seas, which must render the Time when such Forces may return Home uncertain, some of which are intended to be broke, and others reduced, as soon after such Arrival as conveniently may be: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment, within this Realm, by Martial Law, or in any other Manner than by the Judgement of his Peers, and according

according to the known and established Laws of this Realm; yet nevertheless, it being requisite, for the retaining all the before mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny, or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in, any Mutiny or Sedition, in any Regi-

Every Officer, or Private Man, during the Continuance of this Act,

who shall mutiny or desert, &c.

or abandon
any Fortrefs,
&c.

or shall induce
others to do
the like;

ment, Troop, or Company, either of His Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not without Delay give Information thereof to his commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortrefs, Post, or Guard, committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or commanding Officer of any Garrison, Fortrefs, or Post, to deliver up to the Enemy, or to abandon the same; or shall speak Words, or use any other Means, to induce such Governor or commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortrefs, Post, or Guard, committed to their respective Charge, or which he

he or they shall be commanded to defend; or shall leave his Post before relieved; or shall be found sleeping on his Post; or shall hold Correspondence with, or give Advice or Intelligence to, any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat, or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence, or Licence of the General, or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in foreign Parts, upon Land or upon the Sea, shall suffer

or shall be found sleeping upon, or shall desert his Post, or hold Correspondence with the Enemies of His Majesty;

or shall strike or disobey his superior Officer;

shall suffer Death, or such Punishment as a Court-martial shall inflict.

13

Death,

Non-commis-
sioned Officers
and Soldiers
inlisting in
any other Re-
giment, &c.
to be deemed
Deserters.

Death, or such other Punishment as by a Court-martial shall be awarded.

II. Provided, and it is hereby declared and enacted, That any Non-commissioned Officer or Soldier inlisted or in Pay in any Regiment, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, inlist himself in any other Regiment, Troop, or Company, shall be deemed to have deserted His Majesty's Service, and shall in like Manner suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Deserters who shall inlist in another Regiment, &c. may be punished by a Court-martial in such Regiment, &c.

III. And whereas Doubts have arisen whether Soldiers, who of Right belong to another Corps in which they first inlisted, and from which they have not obtained a Discharge, may be proceeded against and tried for deserting any Corps in which they may afterwards have inlisted, or for any Crime committed by them whilst serving therein; be it enacted by the

the Authority aforesaid, That if any Person who is or shall be listed, or in Pay, as a Soldier, in any Regiment, Troop, or Company, in His Majesty's Service, shall desert the same, or shall, while serving therein, commit any Offence against this Act, or against the Rules or Articles of War, such Person shall be liable to be tried by a Court-martial, and punished in like Manner as if he had originally enlisted in, and of Right belonged to the same, notwithstanding it shall have been discovered or known that he had previously belonged to some other Regiment, Troop, or Company, and had not been discharged therefrom: Provided always, That if such Person shall be claimed by such other Regiment, Troop, or Company, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any One or more Corps in which he may have unwarrantably enlisted, may (unless he shall already

already have been tried for the same) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to such Deserter of the Fact or Facts intended to be produced in Evidence upon his Trial.

Deserter may
be adjudged
to serve in any
Corps abroad
for Life, or
for a Term
of Years;

IV. And be it further enacted and declared, That in the Case of any Non-commissioned Officer or Soldier tried and convicted of Desertion, whensoever the Court-martial, which shall pass Sentence upon such Trial, shall not think the Offence deserving of capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, if they shall think fit, to serve as a Non-commissioned Officer or Soldier in any of the Corps stationed in any of His Majesty's Dominions beyond the Seas, or in Foreign Parts, for Life, or for a certain Term of Years, according to the Degree of the Offence: And if such Non-commissioned Officer or Soldier shall afterwards (without
Leave

Leave from His Majesty, or from the Commanding Officer of the Corps in which he shall be appointed to serve) return into this Realm, or the Kingdom of *Ireland*, before the Expiration of the Term limited by such Sentence, and shall be convicted thereof by a Court-martial, he shall suffer Death.

but returning without Leave before Expiration of such Term, he shall suffer Death.

V. And be it further enacted by the Authority aforesaid, That His Majesty may, from Time to Time, grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within this Realm, in like Manner as has been heretofore used; and may also extend his Royal Warrant to any General Officer having the chief Command of a Body of Forces within the same, authorizing him to convene General Courts-martial for the Trial of Offences committed by any of the Forces under his Command; and also that His Majesty may grant His Warrant to the Governor of *Gibraltar*,

The King may grant a Commission for holding Courts-martial, &c.

raltar, and of any other of His Majesty's Dominions beyond the Seas respectively, or to the Person or Persons there commanding in Chief His Majesty's Forces for the Time being, for convening, or authorizing any Officer, not under the Degree of a Field Officer, to convene General Courts-martial for the Trial of Offences committed by any of the Forces under their respective Command; all which General Courts-martial shall be constituted, and shall regulate their Proceedings, according to the several Provisions herein-after specified.

Courts-martial may inflict Corporal Punishment for Immoralities, &c.

VI. And be it further enacted, That it shall and may be lawful to and for such Courts-martial, by their Sentence or Judgement, to inflict Corporal Punishment, not extending to Life or Limb, on any Soldier for Immoralities, Misbehaviour, or Neglect of Duty.

None to be tried a Second Time for the same Offence,

VII. Provided always, and be it hereby declared and enacted, That

no

no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than Once.

except in Cases of Appeal.

VIII. Provided always, That nothing in this Act contained shall extend, or be construed to exempt any Officer or Soldier whatsoever from being proceeded against by the ordinary Course of Law.

This Act not to exempt Soldiers from ordinary Proceedings.

IX. Provided also, That if any Officer, Non-commission Officer, or Soldier, shall be accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land; the Commanding Officer or Officers

Persons accused of Capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

Officers of every Regiment, Troop, Company, or Party, is and are hereby required to use his utmost Endeavours to deliver over such accused Person to the Civil Magistrate; and shall also be aiding and assisting to the Officers of Justice in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such Commanding Officer shall wilfully neglect or refuse, upon Application made to him for that Purpose, to deliver over any such accused Person to the Civil Magistrate, or to be aiding or assisting to the Officers of Justice in apprehending such Offenders; every such Officer so offending, and being thereof convicted, before any Two or more Justices of the Peace for the County where the Fact is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military

tary Office, or Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge-advocate, who is hereby obliged to certify the same to the next Court-martial.

X. Provided also, That no Person or Persons, being acquitted or convicted of any capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Persons acquitted, &c. by the Civil Magistrate, may only be cashiered by a Court-martial.

XI. And it is hereby further enacted and declared, That no General Court-martial, which shall be held under the Authority of this Act, shall consist of a less Number than Thirteen Commission Officers; except the same shall be holden in *Africa*, or in *New South Wales*, in which Places such Ge-

General Court-martial not to consist of less than 13, (except in *Africa*, or in *New South Wales*, where they are to consist of Five at least;) and the President to be a Field Officer, or Officer next in Seniority,

not under the
Degree of a
Captain.

Courts-mar-
tial may ad-
minister Oaths
to Witnesses.

Officers to be
sworn.

General Court-martial may consist of any Number not less than Five, of whom none shall be under the Degree of a Commission Officer, nor shall the President of any General Court-martial be the Commander in Chief, nor Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor in any Case whatsoever under the Degree of a Captain; and that all General Courts-martial shall have Power and Authority, and are hereby required to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them.

XII. Provided always, That in all Trials by General Courts-martial, to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evan-

Evangelists, before the Judge-ad-
vocate, or his Deputy, (who are
hereby authorised to administer the
same) that is to say,

YOU shall well and truly try Judges
and determine, according to Charge before
your Evidence in the Matter now Oath.
before you:

So help you GOD.

I A. B. do swear, That I will duly The Oath.
administer Justice, according to
the Rules and Articles for the
better Government of His Majesty's
Forces, and according to an Act of
Parliament now in Force for the
Punishment of Mutiny and Deser-
tion, and other Crimes therein men-
tioned, without Partiality, Favour,
or Affection; and if any Doubt
shall arise, which is not explained by
the said Articles or Act of Parlia-
ment, according to my Conscience,
the best of my Understanding, and the
Custom of War, in the like Cases:
And I further swear, That I will

not divulge the Sentence of the Court, until it shall be approved by His Majesty, or by some Person duly authorised by Him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:

So help me GOD.

The Judge-advocate to be sworn.

And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorised and required to administer to the Judge-advocate, or the Person officiating as such, an Oath, in the following Words:

The Oath.

I A. B. do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless

less required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:

So help me GOD.

And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, unless Nine Officers present shall concur therein, (except such General Court-martial shall be holden in *Africa*, or in *New South Wales*); and in all Cases where a Court-martial shall consist of more Officers than Thirteen, and also in *Africa*, and in *New South Wales*, when the same shall consist of a lesser Number of Officers, then the Judgement shall pass by the Concurrence of Two-thirds at the least of the Officers present: And no Proceeding or Trial shall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning and Three in the Afternoon, except

In Sentences of Death, what Number of Officers shall concur, &c.

Hours of Trial.

B 3 in

in Cases which require an immediate Example.

As often as it shall be necessary, Officers of the Land and Marine Forces may sit in Conjunction upon Courts-martial;

XIII. And whereas it may be expedient in certain Cases, and particularly in such Matters wherein any of His Majesty's Marine Forces may be interested, that Officers of the Marines shall be associated with Officers of the Land Forces, for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Marine Forces to sit in Conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of the Land Forces only; and the Officers of the Land and Marine Forces are, in such Cases, to take Rank according to the Seniority of their Commissions in either Service.

taking Rank according to the Seniority of their Commissions.

XIV. And

XIV. And whereas it may also be expedient, when any of His Majesty's Land Forces are employed in the *East Indies*, that Officers in the Service of the United Company of Merchants of *England* trading to the *East Indies* should, in certain Cases, be associated with Officers of His Majesty's Land Forces for the Purpose of holding Courts-martial; be it enacted and declared, That when and as often as there may be Occasion, it shall and may be lawful for Officers of His Majesty's Land Forces, and of the Forces in the Service of the United Company of Merchants of *England* trading to the *East Indies*, to sit in Conjunction at Courts-martial, and to proceed in the Trial of any Officer or Soldier, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of His Majesty's Land Forces, or of Officers in the Service of the said United Company, only: With this Distinction, that,

Officers of the King's Forces and Officers in the *East India Company's* Service may sit in Conjunction at Courts-martial, &c.

upon the Trial of any Officer or Soldier of His Majesty's Land Forces, Regard shall be had to the Regulations and Provisions made by or in pursuance of this Act; and the Oaths administered to the several Members of the Court-martial shall be in the Terms by this Act prescribed: And upon the Trial of any Officer or Soldier in the Service of the said United Company, Regard shall be had to the Regulations and Provisions made by or in pursuance of an Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East Indies, and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena*; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act.

XV. Pro-

XV. Provided always, and be it enacted, That the Party tried by any General Court-martial within *Europe*, (except in the Garrison of *Gibraltar*) shall, be entitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf, (he or they paying reasonably for the same), at any Time, not sooner than Three Months after such Sentence; and in case of Trials by any General Court-martial at *Gibraltar*, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in the Case of Trials by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any Thing in this Act to the contrary notwithstanding.

The Party tried entitled to a Copy of the Sentence and Proceedings of the Court-martial.

XVI. Pro-

Original Proceedings, &c. of Courts-martial to be transmitted to the Judge-advocate General in London, &c.

XVI. Provided also, and be it enacted by the Authority aforesaid, That every Judge-advocate, or Person officiating as such at any General Court-martial, do, and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the Original Proceedings and Sentence of such Court-martial to the Judge-advocate General in London; which said Original Proceedings and Sentence shall be carefully kept and preserved in the Office of such Judge-advocate General, to the End that the Persons intitled thereto may be enabled, upon Application to the said Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Proceedings of Courts, or Entries, or Copies thereof, not liable to Stamp-duties.

XVII. Provided also, and be it further enacted and declared, That none of the Proceedings of any General or Regimental Court-martial, nor any Entry, or Copy thereof, shall be charged or chargeable with

with any Stamp-duty whatsoever; any Thing contained in any former Act or Acts to the contrary notwithstanding.

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty to form, make, and establish, Articles of War, for the better Government of His Majesty's Forces, which Articles shall be judicially taken Notice of by all Judges, and in all Courts whatsoever.

His Majesty empowered to make Articles of War,

XIX. And be it further enacted by the Authority aforesaid, That for bringing Offenders against such Articles of War to Justice, it shall and may be lawful to and for His Majesty to erect and constitute Courts-martial; with Power to try, hear, and determine, any Crimes or Offences by such Articles of War, and to inflict Penalties by Sentence or Judgement of the same, as well within the Kingdom of *Great Britain*, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto

and to constitute Courts martial.

thereto belonging, as in His Majesty's Garrison of *Gibraltar*, and in any of His Majesty's Dominions beyond the Seas.

None to be
adjudged of
Life or Limb,
but for Crimes
expressed to be
so punishable
by this Act.

XX. Provided always, That no Officer or Soldier shall, by such Artick s of War, be subjected to any Punishment extending to Life or Limb, within the Kingdom of *Great Britain*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or any of the Isles thereto belonging, for any Crime which is not expressed to be so punishable by this Act; nor for such Crimes as are expressed to be so punishable, in any Manner, or under any Regulations, which shall not accord with the Provisions of this Act.

Offenders be-
yond Sea, &c.
may be tried
here, &c.

XXI. Provided also, and be it further enacted, That if any Officer or Soldier shall, in any of His Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences triable by Courts-martial, by virtue of this Act, and shall come or be brought into

into this Realm; or into *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence; such Officer or Soldier shall be tried and punished for the same, as if the said Offence had been committed within this Realm.

XXII. And whereas it is of essential Importance as well to the due Observance of Publick Economy, as to the Discipline of His Majesty's Forces, that they should be regularly mustered, and that the Musters should be taken with the strictest Accuracy and Exactness; be it enacted by the Authority aforesaid, That Musters shall be made, had, or taken, of every Regiment, Troop, or Company, in His Majesty's Service, Twice at the least in every Year, at such Times as shall be appointed.

XXIII. And be it further enacted, That no Commissary shall muster any Regiment, Troop, or Company,

Musters to be made Twice a Year.

No Muster in *Westminster*, &c. but in the Presence of Two or more Justices.

Company, within the City of *Westminster*, and Borough of *Southwark*, and Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the Penalty of Fifty Pounds, and of being discharged from his Office, unless such Justices, upon Forty-eight Hours Notice being given to Six of His Majesty's Justices of the Peace, residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Commissary may proceed to muster such Regiment, Troop, or Company; provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty-eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace, as aforesaid; which Justices so attending are hereby empowered to sign the said Muster-rolls, and to take Cognizance of such

such Muster, and to examine the Truth thereof before they sign the same.

XXIV. And, for preventing of Fraud and Deceit in the mustering of Soldiers, be it further enacted by the Authority aforesaid, That if any Person do make or give, or procure to be made or given, any false or untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster, or any other Service which he ought to attend or perform, upon Pretence of being employed on some other Duty of the Regiment, or of Sickness, being in Prison, or on Furlough; then every such Person, so making, giving, or procuring, such Certificate, shall, for every such Offence, forfeit the Sum of Fifty Pounds, and shall be forthwith cashiered and displaced from his Office, and shall be thereby utterly disabled to have or hold any Military Office or Employment within this Realm, or in His Majesty's Service; and

Penalty on
false Certifi-
cates to excuse
Soldiers from
Musters.

no Certificate shall excuse the Absence of any Soldier, but for the Reasons above mentioned, or One of them.

Penalty on
Officers/mak-
ing false Mus-
ters, &c.

XXV. And be it further enacted by the Authority aforesaid, That every Officer that shall make any false or untrue Muster of Man or Horse, and every Commissary, Muster-master, or other Officer, who shall wittingly or willingly allow or sign the Muster-roll wherein such false Muster is contained, or any Duplicate thereof; and also every Commissary, Muster-master, or other Officer, who shall, directly or indirectly, take, or cause to be taken, any Sum or Sums of Money, or any other Gratuity, on or for the mustering any Regiment, Troop, or Company, or on or for the signing of any Muster-rolls, or any Duplicate thereof, upon Proof thereof, upon Oath made by Two Witnesses, before a General Court-martial, to be thereupon called, (which is hereby au-
thorised

thorised and required to administer such Oath), shall, for such Offence, be forthwith cashiered and displaced from such his Office, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service.

XXVI. And it is enacted, That if any Officer or Commissary shall muster any Person by a wrong Name knowingly, upon Conviction thereof before a General Court-martial, the said Officer or Commissary shall suffer such Penalties, and in such Manner, as is directed and inflicted by this Act upon those who shall make false Musters.

Penalty on
Officer must-
ering Persons
by wrong
Names.

XXVII. And be it further enacted by the Authority aforesaid, That if any Person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath, by Two Witnesses, before the next Justice of the Peace for the County where such Muster shall be made, and

Penalty on
Persons offer-
ing themselves
to be falsely
mustered.

C

upon

Horses falsely
mustered, to
be forfeited,
&c.

Forfeiture
how to be
levied.

upon Certificate thereof, in Writing, under the Hand of the Commissary of the Musters, or Chief Magistrate, as aforesaid, made to such Justice of the Peace, the said Justice is hereby authorised and required to commit such Offender to the House of Correction, there to remain for the Space of Ten Days: And if any Person shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered, the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse; or otherwise, the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses before the next Justice of the Peace; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels

Chattels of the Person so offending, rendering the Overplus (if any be) to the Owner: And in case such Offender shall not have sufficient Goods and Chattels, whereon Distress may be made, to the Value of the Penalty to be recovered against him, or shall not pay such Penalty within Four Days after such Conviction; then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publicly whipped, at the Discretion of such Justice; and the said Forfeiture shall be to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

XXVIII. And be it further enacted By the Authority aforesaid, That

Muster-rolls
Ten Miles
distant from

London, to be
closed within
24 Hours after
the Muster,

and returned,
within Seven
Days, to the
Commissary
General of
Muster, &c.

the Deputy or Deputies of the Commissary General shall, upon every half-yearly Muster taken by him or them respectively of any Regiment, Troop, or Company, in His Majesty's Service, at any Place Ten Miles distant from *London*, close the Muster-rolls of the said Regiment, Troop, or Company, within Twenty-four Hours after such Muster shall have been made; and shall return the Rolls so taken, by the Post (or other safe Conveyance), within Seven Days after their being closed, to the Office of the Commissary General of Musters, who shall, and he is hereby directed and required to transmit One Set of every of the said Rolls to the Secretary at War, One to the Paymaster General of His Majesty's Land Forces, and One to the Comptrollers of the Accounts of the Army, on or before the First Day of *May*, and Twenty-ninth Day of *September*, respectively following such half-yearly Muster :

1*

And

And no Alterations or Indorsements shall be made in or upon the said Muster-rolls, other than in the Case of Orders of Leave, or Dates of Commissions, and other than involuntary Errors or literal Mistakes in writing or transcribing the said Muster-rolls, upon Pain of forfeiting their respective Employments, and the Sum of Twenty Pounds to any Person that will sue for the same, for every such Offence. Penalty.

XXIX. And whereas by *the Petition of Right*, in the Third Year of King Charles the First, it is enacted and declared, That the People of the Land are not by the Laws to be burthened with the Sojourning of Soldiers against their Wills; and by a Clause in an Act of Parliament, made in the One and thirtieth Year of the Reign of King Charles the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty-two Pounds, Seventeen Shillings, and Three-pence, for Recital of the
*Petition of
Right, 3 Car.
I, &c.*

paying and disbanding the Forces, it is declared and enacted, That no Officer, Civil or Military, nor other Person whatsoever, should from thenceforth presume to place, quarter, or billet, any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billetting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies, in several Parts of this Kingdom; be it further enacted by the Authority aforesaid, That, for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tithingmen,

Constables,
 &c. to quarter
 Officers and
 Men in Inns,
 Alehouses, &c.

Tithingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places, within *England, Wales,* and the Town of *Berwick upon Tweed*, and, in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others; and such Constables, and other Chief Magistrates, as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service, in Inns, Livery Stables, Alehouses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses or Places thereunto belonging; other than and except Persons who keep Taverns only, being Freemen of the Company of Vintners of the City of *London*, who were admitted to the Freedom before the Fifth Day of *July* One thousand seven hundred and fifty-seven, or who since

but in no
Distillers or
Shopkeepers
Houses, or in
any private
Houses.

have or shall hereafter be admitted to their Freedom of the said Company in Right of Patrimony, or Apprenticeship, notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; and all Houses of Persons selling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houses, other than and except the House or Houses of any Distillers who keep Houses or Places for distilling Brandy and Strong Waters, and the House of any Shopkeeper, whose principal Dealing shall be more in other Goods and Merchandizes than in Brandy and Strong Waters, (so as such Distillers and Shopkeepers do not permit or suffer Tippling in his or their Houses), and in no other, and in no private Houses whatsoever; nor shall any more Billets at any Time be ordered than there are effective Soldiers present to be quartered; all which Billets, when made out by such Chief Magistrates

Magistrates or Constables, shall be delivered into the Hands of the Commanding Officer present : And if any Constable, Tithingman, or such like Officer or Magistrate, as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any such private House, without the Consent of the Owner or Occupier ; in such Case, such Owner or Occupier shall have his or their Remedy at Law against such Magistrate or Officer for the Damage that such Owner or Occupier shall sustain thereby : And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers before mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed ; such Military Officer shall, for every such Offence, (being thereof convicted

Penalty on Constables, &c. quartering Soldiers in private Houses, &c.

Penalty on Officers quartering Soldiers contrary to this Act, &c.

convicted before any Two or more of the Justices of the Peace of the County, by the Oath of Two credible Witnesses), be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace of the said County, and a Certificate thereof be transmitted to the Judge-advocate, who is hereby obliged to certify the same to the next Court-martial: And in case any Person shall find himself aggrieved in that such Constable, Tithingman, or Headborough, Chief Officer or Magistrate, (such Chief Officer or Magistrate not being a Justice of the Peace), has quartered or billeted in his House a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and shall complain thereof to One or more Jus-

Persons aggrieved by being quartered on, may complain to any Justice, and be relieved.

tice or Justices of the Peace of the Division, City, or Liberty, where such Soldiers are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then, on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person or Persons as they shall see Cause; and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

XXX. Provided also, and be it further enacted, That no Justice or Justices of the Peace, having or executing any Military Office or Commission in that Part of *Great Britain* called *England*, shall and may, during the Continuance of this Act, directly or indirectly, be concerned in the quartering, billeting,

No Justice having any Military Office to be concerned in billeting his Soldiers.

ting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company, under the immediate Command or Commands of such Justice or Justices, according to the Disposition made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things, executed or appointed by such Justice or Justices of the Peace for or concerning the same, shall be void; any Thing in this Act contained to the contrary notwithstanding.

Constables,
&c. may billet
Soldiers in
Westminster,
&c.

XXXI. And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the High Constables, Petty Constables, Headboroughs, and Tithingmen, within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex*, and in the County of *Surrey*, and in the Borough of *Southwark*, in the said County of *Surrey*, when thereunto

thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's Regiments of Foot-guards, in such Houses only as by this Act are limited, in and about the said City and Liberties of *Westminster*, and Places adjacent, lying in the said County of *Middlesex*, (except the City of *London*), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, during the Continuance of this Act; and when any Order shall issue for the quartering or billeting any Officers or Soldiers within the said City and Liberties of *Westminster*, and Places adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, the High Constables shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tithingmen, of each Parish, Ward, Hamlet, and District, within their respective

Petty Constables, &c. to quarter Soldiers in their respective Divisions.

respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot-guards on such Houses only as by this Act is limited within their respective Parishes, Hamlets, or Districts; and such Petty Constables Headboroughs, and Tithingmen, shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act, equally and proportionably according to the Number of such Officers and Soldiers so to be billeted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot-guards shall be quartered within the said City and Liberties of *Westminster*, and the Places adjacent, lying in the said County of *Middlesex*, (except the City of *London* as aforesaid), and in the said County of *Surrey*, and in the said Borough of *Southwark* in the said County of *Surrey*, in the same Manner, and under the same

same Regulations, as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act.

XXXII. And, for the better preventing Abuses in billeting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, lying in the said County of *Middlesex*, and in the said County of *Surrey*, and in the said Borough of *Southwark*, in the said County of *Surrey*, be it enacted by the Authority aforesaid, That the Petty Constables, Headboroughs, and Tythingmen, of their respective Parishes, Wards, Hamlets, and Districts, within the same, shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties of *Westminster*, the said County of *Middlesex*, and the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, make and deliver to the Justices, then in

Constables, &c. to deliver Lists at Quarter Sessions, on Oath, of Inhabitants, and Soldiers quartered in their respective Divisions;

to be inspected
without Fee.

Copies of such
Lists to be
wrote by the

in open Sessions assembled, upon Oath, (which Oath they the said Justices are hereby authorised and required to administer), true Lists, signed by them respectively, of all such Houses, together with the Number of all such Persons respectively inhabiting the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Names and Rank of all such Officers and Soldiers as are quartered and billeted in each House respectively; and such Lists shall remain with the Clerks of the Peace of the said City and Liberties of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, and the said Borough of *Southwark* in the said County of *Surrey* respectively, to the Intent that all and every Person and Persons may be at Liberty to inspect the same without any Fee or Reward; and such Clerk shall forthwith, from Time to

to Time, make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copies so taken, each Sheet to be computed at and contain One hundred and fifty Words: And if Default or Neglect shall be made by any Petty Constable, Headborough, or Tithingman, of any such Parish, Ward, Hamlet, or District, in the delivering such Lists to the Justices at their Quarter Sessions, as aforesaid; or if he or they shall so deliver, or cause to be delivered in, any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act to receive such Officers and Soldiers, or the Names and Rank of all such Officers and Soldiers as are quartered and billeted in each House respectively; such Petty Constable, Headborough, and Tithingman, or any of them, so offending therein,

D shall,

Clerk at 2 d.
per Sheet,
containing
150 Words.

Penalty on
Default.

Penalty on
giving defec-
tive Lists.

How to be
levied.

shall, for each such Offence, forfeit each the Sum of Five Pounds, to the Use of the Poor of such respective Parishes, Wards, Hamlets, and Districts; to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more of His Majesty's Justice or Justices of the Peace for the said City and Liberties of *Westminster*, for the said County of *Middlesex*, and for the said County of *Surrey*, and for the said Borough of *Southwark* in the said County of *Surrey* respectively, (which Warrant or Warrants the said Justice or Justices is and are hereby empowered and required to make and issue); and for Want of sufficient Distress to be found for that Purpose, the said Justice or Justices is and are hereby empowered and required, by Warrant or Warrants under his or their Hands and Seals, to commit the Person or Persons so offending to the

the Common Gaol of the said City of *Westminster*, the said County of *Middlesex*, the said County of *Surrey*, or the said Borough of *Southwark* in the said County of *Surrey*, there to remain for any Time, to be limited by such Justice or Justices, not exceeding Three Months, nor less than One Month, without Bail or Mainprize.

XXXIII. And be it further enacted by the Authority aforesaid, That the Officers, Men, and Horses, belonging to His Majesty's Horse or Dragoons, shall and may be quartered and billeted in the Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses in which Officers and Soldiers are by this Act allowed to be quartered and billeted, and that they shall be received and furnished, by the Owners or Occupiers of such Inns, Livery Stables, Alehouses, Victualling Houses, and other Houses, in which they are so allowed to be quartered and billeted, with Diet and Small Beer,

Officers, Men, and Horses, belonging to the Horse or Dragoons, how to be quartered, etc.

and with Stables, and Hay and Straw for their Horses, paying and allowing for the same the several Rates herein-after mentioned to be payable out of the Subsistence Money for Diet and Small Beer, and Hay and Straw for their Horses.

Dragoons, *etc.*
quartered on
Persons who
have no Sta-
bles, may be
removed to
those who
have Stables,
&c.

XXXIV. Provided always, and be it further enacted by the Authority aforesaid, That when any of His Majesty's Horse or Dragoons shall be quartered or billeted upon the Owner or Owners, Occupier or Occupiers of any Alehouse, Victualling House, or other House in which Officers or Soldiers may be quartered by virtue of this Act, who have no Stables, then, and in such Case, and upon Complaint made by the Person or Persons having no Stables to Two or more Justices of the Peace of the Division, City, or Liberty where such Horse or Dragoons shall be so quartered and billeted, and upon his or their making such Allowance in lieu of his or their quartering such Horse or Dragoons, as such Justices shall

shall think reasonable, it shall and may be lawful for such Justices to order the Men and their Horses to be removed, and quartered upon some other Person or Persons who by this Act are liable to have Officers and Soldiers quartered and billeted upon them, who have Stables, and to order and settle a proper Allowance to be made by the Person or Persons having no Stables, in lieu of his or their quartering such Horse or Dragoons, so to be removed as aforesaid; and also to order and direct that such Allowance shall be paid by the Person or Persons from whom such Men and Horses shall be removed, to or amongst the Person or Persons to whom such Men and their Horses shall be so removed as aforesaid, or be applied in the furnishing of Quarters for the Reception of such Men and their Horses, as the Case may require, and as such Justices shall think fit.

D 3 XXXV. And

Dragoons, &c.
and their
Horses, to be
billeted in
the same
Houses.

XXXV. And whereas great Inconveniencies have arisen, and may arise, in such Places where Horse or Dragoons are or may be quartered, by the billeting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act; be it therefore enacted by the Authority aforesaid, That in all Places where Horse or Dragoons shall be quartered or billeted in pursuance of this Act, for the future, the Men and their Horses shall be billeted in one and the same House, (except in case of Necessity); and that in no other case whatsoever there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in such Case each Man shall be billeted as near his Horse as possible.

XXXVI. And

XXXVI. And whereas some Doubts have arisen, whether Commanding Officers of any Regiment, Troop, or Company, may exchange any Men or Horses quartered in any Town or Place, with another Man or Horse quartered in the same Place, for the Benefit of the Service; be it declared and enacted by the Authority aforesaid, That such Exchange as above mentioned may be made by such Commanding Officers respectively, provided the Number of Men or Horses do not exceed the Number at that Time billeted on such House or Houses; and the Constables, Tithingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company, shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

XXXVII. Provided always, and be it enacted by the Authority aforesaid,

Manner of
changing Men
and Horses.

Penalty on
taking
Money to ex-
cuse any Per-

son from
quartering.

said, That if any Officer shall take, or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Soldiers, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

Penalty on
Constables,
&c. taking
Money to ex-
cuse any Per-
son from
quartering;

XXXVIII. And be it further enacted by the Authority aforesaid, That if any High Constable, Constable, Beadle, or other Officer or Person whatsoever, who, by virtue or colour of this Act, shall quarter or billet, or be employed in quartering or billeting any Officers or Soldiers, shall neglect or refuse to quarter or billet such Officers or Soldiers, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, contract, or agree for, any Sum or Sums of Money, or any Re-ward

ward whatsoever, for or on account of excusing, or in order to excuse, any Person or Persons whatsoever from quartering, or receiving into his, her, or their House or Houses, any such Officer or Soldier; or in case any Victualler, or any other Person liable by this Act to have any Officer or Soldier billeted or quartered on him or her, shall refuse to receive or victual any such Officer or Soldier so quartered or billeted upon him or her, as aforesaid; or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein-after respectively directed to be furnished or allowed to Non-commission Officers or Soldiers so quartered or billeted on him or her as aforesaid; or shall neglect or refuse to furnish good and sufficient Hay and Straw for each Horse so quartered or billeted on him or her as aforesaid, at the Rate herein-after mentioned, and shall be thereof convicted before One or more

and on Victuallers refusing to quarter Soldiers.

more Justice or Justices of the Peace of the County, City, or Liberty, within which such Offence shall be committed, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, (which Oath the said Justice or Justices is and are hereby impowered to administer), every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit, for every such Offence, the Sum of Five Pounds, or any Sum of Money not exceeding Five Pounds nor less than Forty Shillings, (as the said Justice or Justices, before whom the Matter shall be heard, shall, in his or their Discretion think fit); to be levied, by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices before whom such Offender shall be convicted, or of One or more of them, to be directed to any other Constable within

within the County, City, or Liberty, or to any of the Overseers of the Poor of the Parish where the Offender shall dwell; which said Sum of Five Pounds, or the said Sum not exceeding Five Pounds nor less than Forty Shillings, when levied, shall be applied, in the first Place, in making such Satisfaction to any Soldier for the Expence he may have been put to by reason of his not being billeted or quartered as aforesaid, as such Justice or Justices shall order and direct; and the Remainder shall be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, or to some One of them, for the Use of the Poor of the said Parish.

XXXIX. And for the better preventing Abuses in quartering or billeting the Soldiers in pursuance of this Act, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more Justice or Jus-

Justices may order Constables to give an Account of the Number of Soldiers quartered, &c.

tices of the Peace, within their respective Counties, Cities, or Liberties, by Warrant or Order under his or their Hand and Seal or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officer who shall quarter or billet any Soldiers in pursuance of this Act, to give an Account in Writing, unto the said Justice or Justices requiring the same, of the Number of Officers and Soldiers who shall be quartered or billeted by them, and also the Names of the Housekeepers, or Persons upon whom every such Officer or Soldier shall be quartered or billeted, together with an Account of the Street or Place where every such Housekeeper dwells, and of the Signs (if any) belonging to their Houses; to the End it may appear to the said Justice or Justices where such Officers and Soldiers are quartered or billeted, and that

he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billeting of them.

XL. Provided nevertheless, and it is hereby enacted, That the Officers and Soldiers so quartered and billeted, as aforesaid, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Ale-houses, Victualling-houses, and other Houses in which they are allowed to be quartered and billeted by this Act; paying and allowing for the same the several Rates herein-after mentioned to be payable out of the Subsistence-money for Diet and Small Beer.

XLI. Provided always, That in case any Innholder, or other Person on whom any Non-commissioned Officers or Private Men shall be quartered by virtue of this Act, (except on a March, or employed in recruiting, and likewise except the Recruits by them raised, for the

Officers and Soldiers to pay Rates for their Provisions.

If Innholders refuse to furnish the Men quartered on them with Meat, they shall allow them Candles, Small Beer, etc. gratis.

the Space of Seven Days at most for such Non-commission Officers and Soldiers who are recruiting, and Recruits by them raised, shall be desirous to furnish such Non-commission Officers or Soldiers with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints for each Man *per Diem gratis*, And I allow to such Non-commission Officers or Soldiers the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then, and in such Case, the Non-commission Officers and Soldiers so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive, or that does actually receive, the Pay and Subsistence of such Non-commission Officers and Soldiers, shall pay the several Sums herein-after mentioned to be payable

able out of the Subſiſtence-money for Diet and Small Beer to the Non-commiſſion Officers and Soldiers as aforeſaid, and not to the Innholder, or other Perſon, on whom ſuch Non-commiſſion Officers and Soldiers are quartered; any Thing herein contained to the contrary notwithstanding.

XLII. And, that the Quarters both of Officers and Soldiers may hereafter be duly paid and ſatiſfied, and His Maſteſty's Duties of Excife better answered, be it enacted by the Authority aforeſaid, That, from and after the Twenty-fourth Day of *March* One thouſand ſeven hundred and ninety-eight, every Officer to whom it belongs to receive, or that does actually receive, the Pay or Subſiſtence-money, either for a whole Regiment, or particular Troops and Companies, or otherwiſe, ſhall immediately, upon each Receipt of every particular Sum which ſhall from Time to Time be paid, re-

Officers to
give Notice to
Innkeepers of
Subſiſtence-
money in
their Hands.

turned,

turned, or come to his or their Hands, on account of Pay or Subsistence, give publick Notice thereof to all Persons keeping Inns, or other Places where Officers or Soldiers are quartered by virtue of this Act; and shall also appoint the said Innkeepers, and others, to repair to their Quarters, at such Times as they shall appoint for the Distribution and Payment of the said Pay or Subsistence money to the Officers or Soldiers, which shall be within Four Days at the farthest after the Receipt of the same, as aforesaid; and the said Innkeepers, and others, shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Soldiers so quartered in their respective Houses; which Accounts the said Officer or Officers is or are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence

ence

ence be distributed either to the Officers or Soldiers: Provided the said Accounts exceed not, for a Commission Officer of Horse, being under the Degree of a Captain, for such Officer's Diet and Small Beer, *per Diem*, Two Shillings; nor for One Commission Officer of Dragoons, being under the Degree of a Captain, for such Officer's Diet and Small Beer, *per Diem*, One Shilling; nor for One Commission Officer of Foot, under the Degree of a Captain, for such Officer's Diet and Small Beer, *per Diem*, One Shilling; and if such Officer shall have a Horse or Horses, for each Horse or Horses, for their Hay and Straw, *per Diem*, Sixpence; nor for One Light Horseman's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse, *per Diem*, Sixpence; nor for One Dragoon's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse,

Rates of Subsistence to be paid to Innkeepers, &c. for Soldiers Quarters.

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per

Penalty on
Officers not
paying Sub-
sistence-mo-
ney.

per Diem, Sixpence; nor for One Foot Soldier's Diet and Small Beer, *per Diem*, Four-pence: And if any Officer or Officers, as aforesaid, shall not give Notice as aforesaid, and shall not immediately, upon producing such Account stated, satisfy, content, and pay the same; upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Sessions for the County or City where such Quarters were, (which Oath the Justices of the Peace at such Sessions are hereby authorised and required to administer), the Paymaster or Paymasters of His Majesty's Guards and Garrisons, and Marines, are hereby required and authorised (upon Certificate of the said Justices, before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers, upon Penalty that

that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster or Paymasters, and be discharged from holding the same for the future: And in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby authorised and required to deduct the Sums he or they shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong; and such Officer or Officers shall, for every such Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money, as aforesaid, be deemed and taken and are hereby declared *ipso facto* cashiered: And where it shall happen that the Subsistence-money due to any Officer or Soldier shall, by Occasion of any Accident, not be paid to such Officer or Soldier, or

On Nonpay-
ment of Quar-
ters, the Of-
ficer to make
up Accounts,
&c.

such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be or are not paid as this Act directs; and where any Horse, Foot, or Dragoons, shall be upon their March, so that no Subsistence can then be remitted to them, to make Payment as this Act directs, or they shall neglect to pay the same; in every such Case, it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters, where such Regiment, Troop, or Company, shall remain for any Time whatsoever, make up the Accounts, as this Act directs, with every Person with whom such Regiment, Troop, or Company, shall have quartered, and sign a Certificate thereof, and give the said Certificate so by him signed, to the Party to whom such Money is due, with the Name of such Regiment, Troop, or Company, to which he or they shall belong; to the End the said Certificate

ificate may be forthwith transmitted to the Paymaster of His Majesty's Guards and Garrisons, or to the Paymaster of the Marines, who are hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the End the same may be applied to such Regiment, Troop, or Company respectively, under Pain as is before in this Act directed for Nonpayment of Quarters.

XLIII. And be it enacted by the Authority aforesaid, That if any Officer, Military or Civil, by this Act authorised to quarter Soldiers in any Houses hereby appointed for that Purpose, shall, at any Time during the Continuance of this Act, quarter any of the Wives, Children, Men or Maid Servants, of any Officer or Soldier, in any such Houses, against the Consent of the Owners; the Party offending, if an Officer of the Army, shall, upon Complaint and

Soldiers
Wives, &c.
not to be
quartered
without Con-
sent.

Penalty.

Proof thereof made to the Commander in Chief of the Army, or Judge-advocate, be *ipso facto* cashiered; and if a Constable, Tithingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace; to be levied, by Warrant of such Justice, by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same.

Clause relating to a Soldier's Settlement for his Wife and Children.

XLIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the County, Town, or Place, where any Non-commission Officer or Soldier shall be quartered, in case such Non-commission Officer or Private Soldier have either Wife or Child or Children, to cause such Non-commission Officer or Soldier to be summoned before them in the Town or Place where

where such Non-commission Officer or Soldier shall be quartered, in order to make Oath of the Place of their last legal Settlement, (which Oath the said Justices are hereby impowered to administer); and such Non-commission Officers and Private Soldiers, as aforesaid, are hereby directed to obey such Summons, and to make Oath accordingly; and such Justices are hereby required to give an attested Copy of such Affidavit so made before them to the Person making the same to be by him delivered to his Commanding Officer, in order to be produced when required; which attested Copy shall be at any Time admitted in Evidence, as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Session of the Peace: Provided always, That in case any Non-commission Officer or Private Soldier shall be again summoned to make Oath, as aforesaid, then, on such attested Copy of

the Oath by him formerly taken being produced by him, or by any other Person on his Behalf, such Non-commission Officer or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such attested Copy of Examination, if required.

Justices may
order Constables to provide
Carriages.

XLV. And be it further enacted by the Authority aforesaid, That, for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Clothes, or Accoutrements, in *England, Wales,* and the Town of *Berwick upon Tweed*, all Justices of the Peace, within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master-general or Lieutenant-general of His Majesty's Ordnance, shall, as often as such Order is brought and shewn unto One or
more

more of them by the Quarter-master, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company, so ordered to march, issue out his or their Warrants to the Constables, or Petty Constables, of the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be ordered to march; requiring them to make such Provision for Carriages, with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen: And in case sufficient Carriages cannot be provided within any such Liberty, Division, or Precinct, then the next Justice or Justices of the Peace of the County, Riding, or Division, shall, upon such Order as aforesaid being brought or shewn to One or more of them by any of

Rates for
Carriages.

the Officers aforesaid, issue his or their Warrant to the Constables, or Petty Constables, of such next County, Riding, Liberty, Division, or Precinct, for the Purposes aforesaid, to make up such Deficiency : And the aforesaid Officer or Officers, who, by virtue of the aforesaid Warrant from the Justices of the Peace, are to demand the Carriage or Carriages therein mentioned of the Constable or Petty Constable, to whom the Warrant is directed, is and are hereby required, at the same Time, to pay down in Hand to the said Constable, or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the Sum of One Shilling for every Mile any Waggon with Five Horses shall travel ; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses, shall travel ; and the Sum of Nine-pence for every Mile any Cart with Four Horses shall travel ;
and

and so in Proportion for less Carriages; for which respective Sums so received, the said Constable, or Petty Constable, is hereby required to give a Receipt in Writing to the Person or Persons paying the same: And such Constable or Petty Constable shall order and appoint such Person or Persons having Carriages, within their respective Liberties, as they shall think proper, to provide and furnish such Carriages and Men, according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly: And if any Military Officer or Officers, for the Use of whose Troop or Company the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage, to travel more than One Day's Journey, or shall not discharge the same in due Time for their Return Home, or shall suffer any Soldier or Servant (except such as are sick), or any Woman, to ride in the Waggon,

Penalty on Officers forcing Waggon to travel more than One Day's Journey, &c.

Waggon, Wain, Cart, or Carriage aforeaid; or shall force any Constable, or Petty Constable, by Threatenings or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners by themselves, Servants, or Soldiers: every such Officer, for every such Offence, shall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Paymaster-general or other respective Paymaster of His Majesty's Forces, who is hereby required to pay the aforeaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforeaid Justices of the Peace of the same County or Riding, who are hereby empowered to deduct the same out of such Officer's Pay.

XLVI. Pro-

XLVI. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage impressed by Authority of this Act, shall be liable or obliged, by virtue of this Act, to carry above Thirty Hundred Weight; any Thing in this Act contained to the contrary notwithstanding.

No Waggon,
&c. to carry
above 30 Hun-
dred Weight.

XLVII. And be it further enacted by the Authority aforesaid, That if any High Constable, or Petty Constable, shall wilfully neglect or refuse to execute such Warrants of the Justices of the Peace, as shall be directed unto them for providing Carriages as aforesaid; or if any Person or Persons appointed by such Constable, or Petty Constable, to provide or furnish any Carriage and Man, shall refuse or neglect to provide the same; or any other Person or Persons whatsoever shall wilfully do any Act or Thing, whereby the Execution of the said Warrant shall be hindered or frustrated; every

Penalty on
Constables,
&c. Neglect.

every such Constable, or other Person or Persons so offending, shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, not less than Twenty Shillings, to the Use of the Poor of the Parish where any such Offence shall be committed: And all and every such Offence and Offences shall and may be enquired of, heard, and finally determined, by Two of His Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner.

Treasurer of
the County to
repay the Con-
stable's extra-
ordinary
Charges.

XLVIII. And whereas the respective Sums of Money, by this Act appointed to be paid to the Constables by the Officers demanding such Carriages, are not, in many Cases, sufficient to answer the Charge and Expence of providing the

the same, inasmuch that the said Constables are frequently at great Charges, over and above what is received by them of the said Officers, to the great Burthen of the Township of which he is Constable, or else the Persons performing such Carriages are grievously oppressed: For Remedy whereof, and that the said Overplus Charge may be borne by each County or Riding, at the General Charge of such County or Riding, be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers of each respective County or Riding shall, without Fee or Reward, pay unto such Constable all and every such reasonable Sum or Sums of Money, so by him paid or laid out for such Carriages over and above what was or ought to have been paid by the Officer requiring such Carriages, out of the publick Stock of such County or Riding, according to such Rates, Orders, Rules, and

and Directions, as the said Justices of the Peace, in their Quarter Sessions assembled, within their respective Jurisdictions, shall from Time to Time, during the Continuance of this Act, make, direct, and appoint (which Orders shall be made without Fee or Reward); Regard being always had to the Season of the Year, and the Length and Condition of the Ways by and through which such Carriages are to travel.

The Money for that Purpose how to be raised.

XLIX. And in case the said publick Stock of the County or Riding be not sufficient (over and above the other Purposes for which it was raised) to satisfy the extraordinary Charge of Carriages before mentioned, it is hereby further enacted, That the said Justices of the Peace, in the General Quarter Sessions, shall have Power, from Time to Time, to raise Monies upon the respective Counties or Ridings, in such Manner as they now raise Monies for County Goals and Bridges,

Bridges, to satisfy the said extraordinary Charge of Carriages.

L. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to quarter Officers and Soldiers in *Scotland*, in such and the like Places and Houses as they might have been quartered in by the Laws in Force in *Scotland* at the Time of the Union; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there as by the said Laws in Force at the Time of the Union was provided; and that no Officer shall be obliged to pay for his Lodging, where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

Officers, &c.
to be quartered in *Scotland*, as the Laws in Force at the Union direct.

LI. And be it further enacted, That the Carriages for the Service of the Forces from Time to Time quartered or marching in *Scotland*, shall be provided in like Manner, and at the Rates, and the Furnisher of such Carriages shall

Carriages, in *Scotland*, how to be provided.

F

be

be paid, as was directed by the Law in Force in *Scotland* at the Time of the Union.

How the
Troops are to
pay in passing
over Ferries
in *Scotland*.

LII. And he at further enacted, That where any Troops or Parties upon Command have Occasion in their March to pass regular Ferries in that Part of *Great Britain* called *Scotland*, it shall and may be lawful for the Commanding Officer either to pass over with his Party as Passengers, or to hire the Ferry-boat entirely to himself and his Party, debarring others for that Time, in his Option; and in case he shall chuse to take Passage for himself and Party as Passengers, he shall only pay for himself, and for each Person, Officer or Soldier, under his Command, Half of the ordinary Rate payable by single Persons at any such Ferry; and in case he shall hire the Ferry-boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and in such Places where there are no regular Ferries, but

But that all Passengers hire Boats at the Rate they can agree for, Officers, with or without Parties, are to agree for Boats at the Rate as other Persons do in the like Cases.

LHL. And for the better Preservation of the Game in or near such Place where any Officers or Soldiers shall at any Time be quartered, be it enacted by the Authority aforesaid, That if, from and after the said Twenty-fourth Day of *March* One thousand seven hundred and ninety-eight, any Officer or Soldier shall, without Leave of the Lord of the Manor, under his Hand and Seal first had and obtained, take, kill, or destroy, any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or His Majesty's Game, within the Kingdom of *Great-Britain*, and upon Complaint thereof, shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice or Justices of the Peace,

Penalty on Officers or Soldiers destroying the Game.

who is and are hereby impowered and authorised to hear and determine the same; (that is to say), Every Officer so offending shall, for every such Offence, forfeit the Sum of Five Pounds, to be distributed among the Poor of the Place where such Offence shall be committed; and every Officer commanding in Chief upon the Place, for every such Offence committed by any Soldier under his Command, shall forfeit the Sum of Twenty Shillings, to be paid and distributed in Manner aforesaid: And if, upon Conviction made by the Justices of the Peace, and Demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within Two Days pay the said respective Penalties, such Officer so refusing or neglecting shall forfeit, and he is hereby declared to have forfeited his Commission, and his Commission is hereby declared to be null and void.

LIV. Pro-

LIV. Provided nevertheless, and it is hereby declared by the Authority aforesaid, That, from and after the said Twenty-fourth Day of *March* One thousand seven hundred and ninety-eight, when and as often as any Person or Persons shall be inlisted as a Soldier or Soldiers in His Majesty's Land Service, he and they shall, within four Days, but not sooner than Twenty-four Hours, after such Inlisting respectively, be carried before the next Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town-corporate, (not being an Officer in the Army), and before such Justice or Chief Magistrate he or they shall be at Liberty to declare his or their Dissent to such Inlisting; and, upon such Declaration, and returning the Inlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, such Person or Persons so inlisted shall be forth-

Clause for Relief of Persons hastily inlisting themselves.

with discharged and set at Liberty, in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours, to return and pay such Money, as aforesaid, he or they shall be deemed and taken to be inlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; or if such Person or Persons shall declare his or their having voluntarily inlisted himself or themselves, then such Justice or Chief Magistrate shall, and he is hereby required forthwith to certify, under his Hand, that such Person or Persons is or are duly inlisted; setting forth the Place of the Birth, Age, and Calling, of him or them respectively, if known, and that the Second and Sixth Sections of the Articles of War against Mutiny and Desertion were read to him or them, and that he or they had taken the Oath mentioned in the said Articles of War; and

and if any such Person or Persons, so to be certified as duly inlisted, shall refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer, from whom he has received such Money as aforesaid, to detain or confine such Person or Persons until he or they shall take the Oath before required; and every Military Officer that shall act contrary hereto, or offend herein, shall incur the like Penalty and Forfeiture as is by this Act to be inflicted upon any Officer for making a false and untrue Muster; and the Penalty and Forfeiture shall be levied and recovered in the same Manner as any Penalties or Forfeitures are by this Act to be levied or recovered.

LV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall receive the Inlisting Money from any Officer, (knowing it to be such), and shall abscond or refuse

Persons refusing the said Relief, to be proceeded against as if duly inlisted.

to go before such Justice or Chief Magistrate, in order to declare his Assent or Dissent, as aforesaid; such Person or Persons shall be deemed and taken to be enlisted, to all Intents and Purposes whatsoever; and shall and may be proceeded against, as if he or they had taken the Oath directed by the said Articles of War to be taken before such Justice or Chief Magistrate.

Where any Corps beyond Seas shall be relieved in order to return Home, such of the Men as shall chuse may be enlisted, and incorporated with those appointed to remain;

LVI. And be it further enacted, That when and as often as any Regiment or Company shall be relieved at any Station or Place beyond the Seas, in order to their Return to *Great Britain* or *Ireland*, it shall and may be lawful for any Officer or Officers, thereunto authorised by the Commander in Chief at such Station or Place respectively, to enlist as many of the Soldiers belonging to such Regiment or Company returning to *Great Britain* or *Ireland*, as shall be willing, and who

shall appear to be fit for Service, and to incorporate them in any Regiment or Company which shall be appointed to remain; and every Soldier so enlisted shall be, and is hereby deemed to be, discharged from the Regiment or Company in which he before served; and the Occasion of his quitting such former Corps shall be recited in the Enlisting Certificate; a Duplicate, or an attested Copy whereof, shall be delivered to such Soldier, to protect him from being any-ways molested upon Suspicion of his having deserted.

LVII. And whereas several Soldiers, being duly listed, do afterwards desert, and are often found wandering or otherwise absenting themselves illegally from His Majesty's Service, it is hereby further enacted, That it shall and may be lawful to and for the Constable, Headborough, or Tithingman, of the Town or Place where any Person, who may be reasonably suspected

the Occasion of quitting such former Corps to be recited in the Enlisting Certificate.

Justices may commit Deserters.

Suspected to be such a Deserter, shall
 be found, to apprehend, or cause
 him to be apprehended, and to
 cause such Person to be brought
 before any Justice of the Peace,
 living in or near such Town or
 Place, who hath hereby Power to
 examine such suspected Person; and
 if, by his Confession, or the Testi-
 mony of One or more Witnesses or
 Witnesses upon Oath, or by the
 Knowledge of such Justice of the
 Peace, it shall appear or be found
 that such suspected Person is a listed
 Soldier, and ought to be with the
 Troop or Company to which he
 belongs, such Justice of the Peace
 shall forthwith cause him to be
 conveyed to the Gaol of the County
 or Place where he shall be found;
 or the House of Correction, or
 other publick Prison, in such Town
 or Place where such Deserter shall
 be apprehended; or to the Savoy,
 in case such Deserter shall be ap-
 prehended within the City of Lon-
 don or Westminster, or Places adja-
 cent;

cent; and transmit an Account thereof to the Secretary at War for the Time being, to the End such Person may be proceeded against according to Law: And the Keeper of such Gaol, House of Correction, or Prison, shall receive the full Subsistence of such Deserter or Deserters, during the Time that he or they shall continue in his Custody, for the Maintenance of the said Deserter or Deserters; but shall not be entitled to any Fee or Reward on Account of the Imprisonment of such Deserter or Deserters; and the Keeper of every Gaol, House of Correction, or other publick Prison, shall, and he is hereby required to receive and confine such Deserters while on the Road from the Place where they were apprehended to the Place to which they are to be conveyed, and shall not be entitled to any Fee or Reward on Account of the Imprisonment of the said Deserters; any Law, Usage,

Reward for
taking up
Deserters.

Usage, or Custom, to the contrary notwithstanding.

LVIII. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters as aforesaid, be it further enacted by the Authority aforesaid, That such Justice of the Peace shall also issue his Warrant, in Writing, to the Collector or Collectors of the Land Tax Money of the Parish or Township where such Deserter shall be apprehended, for paying, out of the Land Tax Money arisen or to arise, in the Year One thousand seven hundred and ninety-eight, into the Hands of such Person who shall apprehend, or cause to be apprehended, any Deserter from His Majesty's Service, the Sum of Twenty Shillings for every such Deserter that shall be so apprehended and committed; which Sum of Twenty Shillings shall be satisfied by such Collector or Collectors to whom such Warrant shall be directed, and allowed upon his Account.

LIX. Pro-

LIX. Provided always, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such, the Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds; or if any Person shall knowingly detain, buy, or exchange, or otherwise receive, from any Soldier or Deserter, or any other Person, upon any Account or Pretence whatsoever, any Arms, Clothes, Caps, or other Furniture belonging to the King, or any such Articles belonging to any Soldier or Deserter, as are generally deemed Regimental Necessaries, according to the Custom of the Army, being provided for the Soldier, and paid for by Deductions out of his Pay, or cause the Colour of any such Clothes to be changed; the Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds; and upon Conviction, by the Oath of One or more credible
Witness

Penalty on
Persons con-
cealing De-
serters, or re-
ceiving their
Arms,
Clothes, &c.

Witness or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Five Pounds, and Five Pounds, shall be levied, by Warrant under the Hand or Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; One Moiety of the said first-mentioned Penalty of Five Pounds to be paid to the Informer, by whose Means such Deserter shall be apprehended, and One Moiety of the said last-mentioned Penalty of Five Pounds to be paid to the Informer; and the Residue of the said respective Penalties to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such Offender, who shall be convicted, as aforesaid, of harbouring or assisting any such Deserter or Deserters; or having knowingly received any Arms, Clothes, Caps, or other Furniture belonging to the King; or any such Articles generally deemed

deemed Regimental Necessaries, or having caused the Colour of such Clothes to be changed, contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made, to the Value of the Penalties recovered against him or her for such Offence, or shall not pay such Penalties within Four Days after such Conviction; then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the common Gaol, there to remain, without Bail or Mainprize, for the Space of Three Months, or cause such Offender to be publicly whipped, at the Discretion of such Justice.

LX. Provided always, That no Commission Officer shall break open any House to search for Deserters without Warrant from a Justice of the Peace; and that every Commission Officer who shall, without Warrant from One or more of His

Penalty on
Officer break-
ing open any
House without
Warrant.

Majesty's

Majesty's Justices of the Peace, (which said Warrants the said Justice or Justices are hereby impowered to grant), forcibly enter into, or break open, the Dwelling House or Outhouses of any Person whatsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

No Volunteer
liable to Pro-
cess unless for
some criminal
Matter ;

LXI. And, to prevent, as far as may be, any unjust or fraudulent Arrests that may be made upon Soldiers, whereby His Majesty and the Publick may be deprived of their Service, it is hereby further enacted by the Authority aforesaid, That no Person whatsoever, who is or shall be listed, or who shall list and enter himself as a Volunteer in His Majesty's Service, as a Soldier, shall be liable to be taken out of His Majesty's Service, by any Process or Execution whatsoever, other than for some criminal Matter, unless for a real Debt, or other just Cause of Action ;

tion; and unless, before the taking out of such Process or Execution, (not being for a criminal Matter), the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum, justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be sued out, amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the same Action, or in any other Action on which the same shall be grounded; a Memorandum of which Oath shall be marked on the Back of

or unless for a real Debt of the Value of 20 ^s.

Oath of the Debt to be made before a Judge,

and a Memorandum thereof marked on the Back of the Process.

G

such

such Process or Writ; for which Memorandum or Oath no Fee shall be taken: And if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or Judges of such Court, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties or otherwise, and by Warrant, under his or their Hands and Seals, to discharge such Soldier so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made, before him or them, that such Soldier so arrested was legally enlisted as a Soldier in His Majesty's Service, and arrested contrary to the Intent of this Act; and also to award to the Party so complaining such Costs as such Judge or Judges shall think reasonable; for the Recovery whereof he shall have the like Remedy that the

Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgement had been given for him with Costs against the Defendant in the said Action.

LXII. And to the End that honest Creditors, who aim only at the Recovery of their just Debts due to them from Persons entered into and listed in His Majesty's Service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their Suits; and instead of an Arrest, which may at once hurt the Service, and occasion a great Expence and Delay to themselves, may be enabled to proceed in a more easy and cheap Method; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice first given in Writing of the Cause of Action

Plaintiff may
file a Common
Appearance.

to such Person or Persons so entered, or left at his or their last Place of Residence before such Lifting, to file a common Appearance in any Action to be brought for or upon Account of any Debt whatsoever, so as to entitle such Plaintiff to proceed therein to Judgement and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so listed as aforesaid; this Act, or any Thing herein, or any former Law or Statute, to the contrary notwithstanding.

Soldiers while
confined for
Debt, not to
receive Pay.

LXIII. And be it enacted by the Authority aforesaid, That, from the passing of this Act, no Soldier, being arrested or confined for Debt in any Prison, Gaol, or other Place, shall be entitled to any Part of his Pay from the Day of such Arrest or Confinement, until the Day of his Return to the Regiment, Troop, or Company, to which he shall belong.

LXIV. And

LXIV. And be it further enacted by the Authority aforesaid, That every Commission Officer, Store-keeper, or Commissary, that shall embezzle or misapply, or cause to be embezzled or misapplied, or shall wilfully, or through Neglect, suffer any Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, upon Proof thereof, upon Oath made by Two Witnesses, before a General Court-martial, (which is hereby authorised and required to administer such Oath), shall be forthwith dismissed His Majesty's Service, and forfeit the Sum of One hundred Pounds; and is hereby required to make good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to seize the Goods and Chattels of the Person so offending, and sell them for the Payment of the said One hundred Pounds, and such Damage: And

Officer em-
bezzling, etc.
Military
Stores,

to be cashier-
ed, and forfeit
100 l. and the
Damage to be
made good by
Sale of his
Goods and
Chattels:

For want of
Distress, the
Offender to be
committed.

Application of
the Forfeiture.

Non-commis-
sion Officers
embezzling
Soldier's Pay,
&c. to be re-
duced, &c.

if sufficient Goods and Chattels cannot be found and seized, then the Person so offending shall be committed to Prison, or the common Gaol, there to remain for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be applied and disposed of as His Majesty shall direct and appoint.

LXV. And be it further enacted by the Authority aforesaid, That every Non-commission Officer who shall be convicted, at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been intrusted for the Payment of the Men under his Command, or for inlisting Men into His Majesty's Service, shall be reduced to serve in the Ranks as a private Soldier, and be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not extending

extending to Life or Limb) as the Court-martial shall think fit.

LXVI. And be it further enacted by the Authority aforesaid, That, from and after the said Twenty-fourth Day of *March* One thousand seven hundred and ninety-eight, no Paymaster General, or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, or Muster-master, or any other Officer whatsoever, or their Under Officers, shall receive any Fees, or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty-fourth Day of *March* One thousand seven hundred and ninety-eight; other than the usual Deductions for Clothing, and Twelve-pence in the Pound to be disposed of as His Majesty shall think fit; and the One Day's Pay in the Year for the Use of the Royal Hospital at *Chelsea*; and such

No Paymaster,
&c. to make
Deductions
out of Officers
or Private
Men's Pay.

Exception.

other necessary Deductions as shall from Time to Time be directed by His Majesty, under His Royal Sign Manual.

Treasury may
issue out the
Money due
for Clothing
every Two
Months.

Paymaster to
deduct the
Offreckon-
ings.

LXVII. And, for the Encouragement of the due and well Clothing of the Troops, be it hereby further enacted, That the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, may, if he or they see convenient, at the End of every Two Months, issue the Money due for the Clothing of the several Regiments, Troops, and Companies, notwithstanding the Muster-rolls have not been duly returned : And the respective Paymasters are hereby directed to make Deductions of all Offreckonings, and to pay the same to such Person or Persons only as have a regular Assignment for Clothes by him or them delivered to the said Regiment, Troop, or Company ; and the Receipt of such Person or Persons having or being lawfully intituled to such Assignment,

ment, to be from Time to Time taken for the same; and when no such Assignment appears, the Offreckonings to remain in the Hands of the said Paymaster respectively, for the Use of the Regiment, Troop, or Company, until a new Contract for Clothing and Assignment is made.

LXVIII. And be it further enacted, That if any Paymaster, Agent, or Clerk, of any Garrison, Regiment, Troop, or Company, shall wilfully detain or withhold, by the Space of One Month, the Pay of any Officer or Soldier, (Clothes and all other just Allowances being deducted), after such Pay shall be by him or them received; or if any Officers, having received their Soldiers Pay, shall refuse to pay each respective Non-commission Officer and Soldier their respective Pay, when it shall become due, at the Rate of Seventeen Shillings and Sixpence *per* Week for each Corporal of Light Horse; Fourteen Shillings *per* Week

Penalty on Agents, &c. detaining Officers or Soldiers Pay.

Weekly Rates.

Week for each Trumpeter and Private Trooper ; Nine Shillings and Eleven-pence *per* Week for each Dragoon ; Nine Shillings and Four-pence *per* Week for each Serjeant ; Six Shillings and Two-pence *per* Week for each Corporal ; Five Shillings *per* Week for each Trumpeter and Drummer ; Four Shillings *per* Week for each private Soldier of His Majesty's Three Regiments of Foot-guards ; and Six Shillings *per* Week for each Serjeant ; Four Shillings and Sixpence *per* Week for each Corporal and Drummer ; and Three Shillings *per* Week for each Foot Soldier, of any other Regiment or Independent Company ; and at the End of every Two Months to account for One Shilling *per* Week to each Serjeant, and Two-pence *per* Week to each Corporal and Drummer, and Sixpence *per* Week to each Foot Soldier ; (the said One Shilling *per* Week, Two-pence *per* Week, and Sixpence *per* Week, being the Remainder

mainder of the Subsistence of each Serjeant, Corporal, Trumpeter, Drummer, and Foot Soldier); then upon Proof thereof before a Court-martial, as aforesaid, to be for that Purpose held and summoned by His Majesty's Order, every such Paymaster, Agent, Clerk, or Officer, so offending, shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid, and the Informer, if a Soldier, (if he demands it), shall be, and he is hereby discharged from any further Service; any Thing in this Act contained to the contrary notwithstanding: And the Commanding Officers of the Three Regiments of Foot-guards are hereby empowered, if they judge it necessary for the Good of the Service, to make the same Stoppages of One Shilling *per* Week from each Serjeant, Two-pence *per* Week for each Corporal

Corporal and Drummer, and Sixpence *per* Week for each Foot Soldier; and at the End of every Two Months to account for the said One Shilling *per* Week to each Serjeant, and Two-pence *per* Week for each Corporal and Drummer, and Sixpence *per* Week to each Foot Soldier, in the same Manner as is hereby directed for the Marching Regiments.

Penalty on
Agents dis-
obeying of
Orders.

LXIX. And, for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the several Regiments, and Independent Troops and Companies, the said Agents are hereby required and directed to observe such Orders and Directions as shall from Time to Time be given by His Majesty, under His Sign Manual, or by the Lord Treasurer or Commissioners of the Treasury for the Time being; and if any Agent shall refuse or neglect to observe and comply with such Orders and Directions,

he

he shall be discharged from his Office, and be utterly disabled to have or hold any such Office in His Majesty's Service.

LXX. Provided always, and be it enacted by the Authority aforesaid, That every present and future Paymaster, Agent, or Clerk, of any Garrison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors and Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier, by him or them received, shall, on reasonable Demand made by such Executor or Administrator, deliver a just and true Account to any such Executor or Administrator of such Sum or Sums of Money as he or they shall have so respectively received for such Officer or Soldier, and for which they ought so to account as aforesaid, such Executor or Administrator paying for the same; and shall account with such Executor or Administrator for the same; and that

Paymasters,
&c. to ac-
count with
Executors.

every such Paymaster, Agent, or Clerk, of any Garrison, Regiment, Troop, or Company, offending herein, shall forfeit the like Penalties, and to be recovered in like Manner, as appointed by this Act for such Colonels or Agents not giving due Accounts of or for the Pay of the said Officers or Soldiers to and for such Officers and Soldiers themselves.

Officers, &c.
of the Trains
of Artillery
subject to this
Act.

LXXI. And whereas it may otherwise be doubted, whether the Officers and Persons employed in the Trains of Artillery, or the Officers serving in the Corps of Royal Engineers, or the Officers and Persons serving in the Corps of Royal Military Artificers and Labourers, or the Master Gunners, and Gunners under the Ordnance, be within the Intent and Meaning of this Act, for punishing of Officers and Soldiers who shall mutiny, or desert His Majesty's Service, and for punishing false Musters, and for Payment of Quarters; it is hereby enacted by the Authority aforesaid,
That

That the Officers and Persons employed, or that shall be employed, in the several Trains of Artillery, and all Officers serving or that shall serve in the Corps of Royal Engineers, and all Officers and Persons serving or that shall serve in the Corps of Royal Military Artificers and Labourers, and all Master Gunners, and Gunners who now are or shall be under the Ordnance, be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all Respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act, during the Continuance of the same.

LXXII. And whereas great Mischief and Inconvenience may arise, if it should be doubted whether Troops in Pay, raised in any of the *British* Provinces in *America*, by Authority of the respective Governors or Governments thereof, are, while acting in Conjunction with His Majesty's *British* Forces, under the Command of an

American Troops, acting in Conjunction with *British* Forces, liable to the same Martial Laws.

an Officer having a Commission immediately from His Majesty, liable to the same Rules and Articles of War, and the same Penalties and Punishments, as the *British* Forces are subject to: To prevent such Mischief, and to remove all Doubts, be it declared and enacted by the Authority aforesaid, That all Officers and Soldiers of any Troops being mustered and in Pay, which are or shall be raised in *America*, as aforesaid, shall at all Times, and in all Places, when they happen to join or act in Conjunction with His Majesty's *British* Forces, be liable to Martial Law and Discipline, in like Manner, to all Intents and Purposes, as the *British* Forces are, and shall be subject to the same Trial, Penalties, and Punishments.

Officers and
Soldiers of
the *American*
Troops sent
over to *Great*
Britain,

LXXIII. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners in *America*, are frequently sent over to *Great Britain* in a very distressed Condition: And whereas their Pay is
not

not sufficient to provide them with necessary Lodgings and Accommodations; be it enacted by the Authority aforelaid, That, during the Continuance of this Act, it shall be lawful for the Constables, and other Civil Magistrates, within *England, Wales, and the Town of Berwick upon Tweed*, to quarter and billet the Officers and Soldiers of the said *American* Troops in all such Houses as are liable by this Act to receive the Officers and Soldiers of His Majesty's *British* Forces; and the said Constables, and other Civil Magistrates, are hereby required to quarter and billet the Officers and Soldiers of the said *American* Troops in the same Manner, and under the same Regulations and Penalties, as are directed by this Act to be observed in quartering and billeting the Officers and Soldiers of His Majesty's *British* Forces; and all Persons on whom the Officers and Soldiers of the said Troops shall

to be quartered and billeted as the *British* Forces; and under the same Regulations and Penalties.

H

be

be legally quartered, refusing to receive and provide for them, as is directed for the Officers and Soldiers of His Majesty's *British* Forces, shall be subject to the same Penalties as in the Case of the said *British* Forces.

This Act not to extend to the Militia further than is directed by the Militia Laws :

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be any-ways construed to extend, to concern any of the Militia Forces of this Kingdom, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, excepting only in such Case wherein, by any Act for regulating the Militia Forces in that Part of *Great Britain* called *England*, the Provisions, contained in this Act, or in any Act for punishing Mutiny and Desertion, which shall be then in Force, are extended and meant to take place in respect to the Officers of the Militia, and Private Militia Men, within that Part of *Great Britain* aforesaid ;

aforesaid; and also except so far Exception,
as relates to the mustering of the
Militia Forces of this Kingdom,
according to the Provisions herein-
after mentioned.

LXXV. And for the better as- Militia and
certaining the Number of effective Fencible Men,
Men of the Regiments of Militia, when in ac-
tual Service,
when embodied and in actual Ser- to be regular-
vice, be it enacted by the Autho- ly mustered,
rity aforesaid, That, from and &c.
after the passing of this Act, every
Regiment or Corps of Militia and
Fencible Men, when embodied and
in actual Service, shall be regularly
mustered by Commissaries appoint-
ed for that Purpose, in the same
Manner and as often as the Army
is usually mustered; and the Magi-
strates shall have the same Powers
and Authorities, and both Officers
and Men shall be subject to the
same Regulations, Restrictions, and
Penalties, as are imposed on the
Officers and Soldiers of the Army
by virtue of this Act.

H 2 LXXVI. And

Names of Mi-
litia Men, &c.
who are with-
in Six Months
of the Expi-
ration of their
Service, to be
certified on
the Back of
the Muster-
roll.

LXXVI. And whereas the Time of Service in the Militia is limited to Five Years, be it enacted by the Authority aforesaid, That the Officer commanding each Regiment or Corps of Militia, or Fencible Men, shall certify, on the Back of the Muster-roll, the Names of those Men who are within Six Months of the Time of the Expiration of their Service, and also the Number of Men which have been inrolled since the last Muster, distinguishing the ballotted Men from the Substitutes; and every Man so inrolled shall be entitled to receive his Pay from the Time of his Inrollment.

In what Cases
this Act shall
extend to Jer-
sey, Guernsey,
&c.

LXXVII. And be it further enacted by the Authority aforesaid, That this Act shall be construed to extend to the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, as to the Clauses therein for mustering and paying, and to the Provisions for the Trial and

and Punishment of Officers and Soldiers who shall be charged with Mutiny or Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General Court-martial; and also to the Clauses which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive, any Arms, Clothes, Caps, or other Furniture, belonging to the King, or any such Articles generally deemed Regimental Necessaries, from any Soldier or Deserter, or who shall cause the Colour of such Clothes to be changed.

LXXVIII. And be it further enacted by the Authority aforesaid, That if any Action, Bill, Complaint, or Suit, shall be brought against any Person or Persons for any Act, Matter or Thing, to be acted or done in pursuance of this Act, it shall and may be lawful to and for all and every Person and Persons sued

Persons sued
may plead the
General Issue.

Treble Costs.

as aforesaid to plead thereunto the General Issue, that he or they are Not Guilty, and to give such Special Matter in Evidence to the Jury which shall try the Issue; which Special Matter being pleaded, had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants of the Trespass or other Matter laid to his or their Charge: And if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof; that in every such Case, the Justice or Justices, or such other Judge, before whom the said Matter shall be tried, shall, by Force and Virtue of this Act, allow unto the Defendant or Defendants his or their Treble Costs, which he or they shall have sustained by reason of their wrongful Vexation in Defence of the said Action or Suit, for which the said Defendant or Defendants

shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

LXXIX. And be it further enacted by the Authority aforesaid, That every Bill, Plaint, Action, or Suit, against any Person or Persons, for any Act, Matter, or Thing, to be acted or done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any Thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

LXXX. And whereas by an Act of the First Year of the Reign of His late Majesty King George the First, (intituled, *An Act for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert; or being Papists,*

All Suits to be brought in some of the Courts of Record at *Westminster*, or the Court of Session in *Scotland*.

Penalties against an Act 1 Geo. I, where to be sued for.

shall enlist themselves in His Majesty's Service in Great Britain, or Ireland, or in the Islands of Guernsey, Jersey, Alderney, or Sark, or the Islands thereto belonging; it is enacted, That any Person or Persons whatsoever who shall, directly or indirectly, persuade or procure, or endeavour to persuade or procure any Soldier or Soldiers in the Service of His Majesty, or of His Heirs or Successors, to desert; such Person or Persons so offending, and being thereof lawfully convicted, should forfeit the Sum of Forty Pounds: Now be it enacted, That for such Offences as shall be committed against the said recited Act, within that Part of Great Britain called *England*, the Penalties thereby enacted shall be sued for and recoverable in any of His Majesty's Courts of Record at *Westminster*; and for such Offences against the said Act as shall be committed in that Part of Great Britain called *Scotland*, the same shall be sued for
and

and recoverable in His Majesty's Court of Exchequer in *Scotland*; and for such Offences against the said Act as shall be committed within the Islands of *Guernsey*, *Alaerney*, and *Sark*, and the Islands thereto belonging, the same shall and may be sued for and recoverable in the Royal Court of *Guernsey*; and for such Offences against the said Act as shall be committed within the Island of *Jersey*, the same shall and may be sued for and recoverable in the Royal Court of *Jersey*; and for such Offences against the said Act as shall be committed within the Island of *Man*, in any of the Courts of Record in the said Island, or in any of His Majesty's Courts of Record at *Westminster*; any Thing in the said recited Act to the contrary thereof in anywise notwithstanding.

LXXXI. And, in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts of Parliament for punishing

Offences
against former
Mutiny Acts
punishable by
this Act.

Mutiny

Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, be it enacted by the Authority aforesaid, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, shall and may, during the Continuance of this Act, be inquired of, heard, tried, and determined, adjudged, and punished, before and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed against this Act may be enquired of, heard, tried, determined, adjudged, and punished: And the Proceedings of a Court-martial, upon any Trial begun under the Authority of such former Act, shall

shall not be discontinued by the Expiration of the same, but it shall be lawful to proceed to Judgement upon such Trial, and to carry such Judgement into Execution, in like Manner as if the Proceedings had been commenced under the Authority of this Act.

LXXXII. Provided always, That no Person shall be liable to be tried and punished for any Offence against any of the said Acts, or Articles of War, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial; unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period; in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

None liable to be tried, &c. for Offences against former Acts which were committed Three Years before issuing the Warrant for Trial; unless he has absented himself, &c.

LXXXIII. And

Form of
Conviction.

LXXXIII. And, for the more
easy Conviction of Offenders against
this Act, be it enacted, That in case
any Persons shall be convicted of any
Offences by which they shall become
liable to any of the pecuniary Penal-
ties under this Act, the following
shall be the Form of Conviction.

Middlesex. B.E. it remembered, That
on the Day of
in the Year of our Lord at
in the County aforesaid,
A. B. came before us C. D. and
E. F. Two of His Majesty's
Justices of the Peace in and for
the said County, and informed us,
upon Oath, that G. H. of
on the Day of now last
past, at in the said County,
did (here set forth the Fact in
the Manner described in the
Statute); whereupon the said
G. H. after being duly summoned
to answer the said Charge ap-
peared before us the said Justices
on the Day of
at

at in the said County, and
 having heard the Charge con-
 tained in the said Information,
 declared that he was not guilty
 of the said Offence; but the
 same being fully proved upon the
 Oath of I. K. a credible Wit-
 ness, it manifestly appears to us
 the said Justices, that he the said
 G. H. is guilty of the said Of-
 fence charged upon him in the
 said Information. It is therefore
 considered and adjudged by us,
 the said Justices, that he the
 said G. H. be convicted; and
 we do hereby convict him of the
 Offence aforesaid; and we do
 hereby declare and adjudge that
 the said G. H. hath forfeited
 the Sum of of law-
 ful Money of Great Britain,
 for the Offence aforesaid, to be
 distributed as the Law directs,
 according to the Statute in that
 Case made and provided.

Given, &c.

LXXXIV. And

Continuance
of this Act.

LXXXIV. And be it further enacted by the Authority aforesaid, That this Act shall be and continue in Force, within the Realm of *Great Britain*, from the Twenty-fourth Day of *March*, in the Year of our Lord One thousand seven hundred and ninety-eight, until the Twenty-fifth Day of *March*, in the Year of our Lord One thousand seven hundred and ninety-nine; and shall be and continue in Force, in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to such Parts thereof as relate to those Places respectively, from the Thirtieth Day of *April*, in the Year of our Lord One thousand seven hundred and ninety-eight, until the First Day of *May* in the Year of our Lord One thousand seven hundred and ninety-nine; and shall be and continue in Force, within the Garrison of *Gibraltar*, and in His Majesty's other Dominions beyond the Seas, as to such Parts thereof as relate to those Places

ces

ces respectively, from the Twenty-fourth Day of *March*, in the Year of our Lord One thousand seven hundred and ninety-nine, until the Twenty-fifth Day of *March*, in the Year of our Lord One thousand Eight hundred.

LXXXV. Provided always, and Act, in Part,
may be altered
this Session. be it enacted, That this Act, so far as relates to the Allowances to be made for the quartering of Soldiers and providing for their Horses, may be altered and varied, by any Act or Acts to be made in this Session of Parliament.

I N D E X.

A.



ACCOUNTS. Paymaster, Agent, or Clerk, not accounting with the Executors of Officers or Soldiers, liable to Penalties, § lxx.

ACT, so far as relates to Allowances for quartering Soldiers, and providing for their Horses, may be altered this Session, § lxxxv.

ACTIONS. Persons against whom any shall be brought for any Matter done in pursuance of this Act, may plead the General Issue, § lxxviii. And shall recover Treble Costs, *ibid*.

In what Court they must be brought against such Persons; or against Members of a Court Martial in respect of any Sentence of such Court, lxxix.

AFRICA. In Garrisons there, a General Court-martial may consist of any Number of Members not less than Five, § xi.

No Offender to be sentenced to Death there, unless Two Thirds of the Members concur in the Sentence, xii.

AGENTS. Detaining Officers or Soldiers Pay One Month after they have received it, forfeit their Employment, and 100*l*. § lxxviii.

Not obeying the Orders of His Majesty or the Treasury, disabled to hold their Office, lxxix.

Not accounting with the Executors of Officers or Soldiers, liable to Penalty, lxx.

ALDERNEY. This Act extends to it in sundry Cases, § lxxvii.

I

AMERICA.

AMERICA. Troops raised there subject to the same Discipline as His Majesty's *British* Forces, when acting with them, § lxxii.

Officers and Soldiers of *American* Troops sent over to *Great Britain*, to be quartered and billeted as the *British* Forces, § lxxiii.

APPREHENDING DESERTERS. Whoever apprehends a Deserter is entitled to a Reward of 20s. § lviii.

ARMS. Embezzlement of. See **EMBEZZLEMENT of STORES; and REGIMENTAL NECESSARIES.**

ARREARS. See **STOPPAGES.**

ARRESTS. No Soldier to be arrested, or taken out of the Service, except for a real Debt of 20l. or for some criminal Matter, § lxi.

Oath of the Debt to be first made before the Judge of the Court out of which the Process issues, or before the Person authorized to take Affidavits therein, *ibid.*

Memorandum of the Oath to be marked on the Back of the Writ, *ibid.*

If Soldiers are arrested contrary hereto, the Judge may discharge them without Fee, and award them Coits, *ibid.*

Costs how to be recovered, *ibid.*

A Common Appearance may be filed for the Recovery of Debts of Soldiers, lxii.

Soldiers confined for Debt not intitled to any Pay till they return to their Regiments, lxiii.

ARTICLES of WAR. His Majesty empowered to make them, which shall be judicially taken Notice of by all Courts, § xviii.; and to constitute Courts Martial to try Offenders against them, xix.

No

ARTICLES of WAR *continued.*

No Person under them shall be subjected to any Punishment but according to the Provisions of this Act, xx.

Offenders against them beyond the Seas, may be tried by a Court Martial on their Arrival in *Great Britain, Jersey, &c.* xxi.

No Person liable to be tried for Offences against them committed upwards of Three Years before the Warrant for Trial, unless he was not in that Period amenable to Justice, lxxxii.; in that Case he may be tried within Two Years after the Impediment ceased, *ibid.*

ARTIFICERS, Royal Military Corps, subject to this Act, § lxxi.

ARTILLERY, Train of, subject to this Act, § lxxi.

B.

BILLETS. No more to be ordered than there are effective Soldiers present to be billeted, § xxix. See QUARTERING.

C.

CARRIAGES. Justices in *England, Wales,* or *Berwick*, shall grant a Warrant for them, when required by a proper Officer, § xlv.

Officers demanding them, to pay the Constable the regulated Rates for their Hire, *ibid.*

Rates of Hire, *ibid.*

Constables to order proper Persons to furnish them, *ibid.*

Officers forcing them to travel more than One Day's Journey, or not discharging them in due Time, or suffering any but sick Soldiers or Servants to ride thereon, or forcing any

CARRIAGES *continued.*

Constable to provide Saddle Horses, or taking Horses by Force from the Owners, forfeit 5 *l.* xlv.

None to carry above 30 Hundred Weight, xlv.

Constables neglecting or refusing to execute the Justices Warrant for them; and Persons appointed to provide them, neglecting or refusing so to do; and Persons hindering others from providing them, forfeit from 20 *s.* to 40 *s.* xlvii.

Treasurer of the County to repay the Constable the extra Expences in providing them, out of the County Stock, xlviii.

How these extra Expences are to be raised in the County when necessary, xlix.

In *Scotland*, to be provided and paid for, as directed by the Laws in force at the Union, lii. *See also* FERRIES.

CERTIFICATES. Persons making, giving, or procuring false ones, in order to excuse a Soldier for Absence from any Muster, or other Service, forfeit 50 *l.* and their Employment; and are rendered incapable of holding any Military Office, § xxiv.

None shall excuse the Absence of Soldiers from Muster, except when they are employed on other Duty of the Regiment, are sick, in Prison, or on Furlough, *ibid.*

Copies of Certificates of Inlistment to be granted to Soldiers belonging to Regiments ordered home from Foreign Service, who inlist into those appointed to remain abroad, lvi.

CLERKS. Detaining Officers or Soldiers Pay One Month after they have received it, forfeit their Place, and 100 *l.* § lxxviii.

CLERKS *continued,*

Not accounting with the Executors of Officers or Soldiers, liable to the same Penalties, lxx.

CLOTHING. Treasury may issue Money for it every Two Months, § lxxvii. See **OFF-RECKONINGS.**

Embezzlement of. See **EMBEZZLEMENT.**
See also **REGIMENTAL NECESSARIES.**

COMMENCEMENT and **CONTINUANCE** of this ACT. From *March 24, 1798, to March 25, 1799, in Great Britain; from April 30, 1798, to May 1, 1799, in Jersey, Guernsey, &c.; and from March 24, 1799, to March 25, 1800, in Gibraltar, and other Dominions beyond Sea, § lxxxiv.*

COMMISSARIES of **MUSTERS,** See **MUSTERS.**

———— of **STORES.** See **STORES.**

CONSTABLES. See **CARRIAGES** and **QUARTERING.**

CONVICTION. Form of, for Pecuniary Penalties, § lxxxiii.

COSTS. Where Soldiers are illegally arrested, how they are to be recovered, § lxi.

COURTS. To judicially take Notice of the Articles of War, § xviii.

COURTS MARTIAL. May sentence Deserters to serve in Corps stationed in Foreign Parts for Life, or a Term of Years, iv.

Such Deserters convicted of returning before the Expiration of their Term, to suffer Death, *ibid.*

COURTS MARTIAL *continued.*

His Majesty may grant a Commission for holding General ones within this Realm, § v.; and may extend his Warrants to any General Officer having the Chief Command therein; and to the Governor of *Gibraltar*, &c. and Commander in Chief of His Forces beyond the Seas, for holding them, *ibid.*

May inflict Corporal Punishment for Misbehaviour, &c. vi.

No Offender to be tried a Second Time for the same Offence, but in case of Appeal from a Regimental to a General one, vii.

Sentences thereof, signed by the President, not liable to Revision more than once, *ibid.*

Can only cashier Persons acquitted, or convicted of Crimes, by the Civil Magistrate, x.

The Number and Rank of the Officers necessary to constitute a General one, xi.

Have Power to swear Witnesses, *ibid.*

Members and Judge Advocate to be sworn before any Proceedings are had on any Trial, xii. Forms of Oath, *ibid.*

What Number of Members is necessary to concur when the Offender is sentenced to Death, *ibid.*

No Proceedings to be had but between the Hours of Eight and Three, except where an immediate Example is necessary, *ibid.*

Officers of the Land and Marine Forces may sit in Conjunction upon them, when necessary, taking Rank according to the Dates of their Commissions, xiii.

Officers of His Majesty's Land Forces, and of the *India* Company, may sit in Conjunction on them when necessary, xiv. On such Occasions, when an Officer or Soldier of His Majesty's Forces is tried, the Regu-

COURTS MARTIAL *continued.*

Regulations of this Act are to be observed; and when an Officer or Soldier of the *India Company* is tried, the Regulations made in pursuance of an Act of the 27th of *Geo. II.*, are to be followed, *ibid.*

Copy of Proceedings and Sentence, on Demand, to be granted to Parties tried, xv.

Original Proceedings and Sentence of General ones to be transmitted to the Judge Advocate General in *London*, that Copies may be, upon Application, obtained, xvi.

Proceedings of them, or Copies thereof, not liable to Stamp Duties, xvii.

May try Offences against this Act committed beyond the Seas on the Arrival of the Offenders in *Great Britain, Jersey, &c.* xxi.

CRIMES. Punishable under this Act, § i. and v.

Persons accused of Capital ones, or other Offences punishable by Law, to be delivered over to the Civil Magistrate, ix.

Commanding Officers refusing to deliver such Offenders, or to assist the Civil Magistrates in apprehending them, *ipso facto*, cashiered, *ibid.*

Persons acquitted, or convicted, of Capital ones, or of Offences, by the Civil Magistrate, not liable to any Punishment by a Court Martial but cashiering, x.

D.

DESERTERS. Officers or Soldiers deserting shall suffer Death, or such other Punishment as a Court Martial shall award, § i.

Soldiers inlisting into other Corps, without a proper Discharge, to be deemed Deserters, ii.; and may be punished as such

DESERTERS *continued.*

by the Corps in which they last enlisted,
iii.

May be sentenced to serve in Foreign Parts
for Life, or a Term of Years, iv.; and
if they return before the Expiration of their
Term, shall suffer Death, *ibid.*

Persons suspected to be so, how they are to be
proceeded with, lvii.

Gaolers to receive them while on the Road
from the Place where they were appre-
hended to the Place where they are to be
conveyed, *ibid.*

Subsistence while in Prison to be paid the
Gaoler, but no Fee or Reward to be given
for confining them, *ibid.*

For apprehending them, the Collector of the
Land Tax to pay a Reward of 20s. on the
Production of the Justice's Warrant who
committed the Deserter, lviii.

Persons harbouring, concealing, or assisting
them, forfeit 5 *l.* lix.

Persons buying, exchanging, or receiving their
Arms, Accoutrements, Clothing, or Ne-
cessaries, liable to the same Penalty, *ibid.*

If Penalty be not paid in Four Days, the Of-
fender to be imprisoned Three Months, or
publicly whipped, *ibid.*

In search of them, no House or Outhouse to
be forcibly entered by a Commission Of-
ficer, without the Warrant of a Justice, on
Penalty of 20 *l.* lx.

Persons persuading Soldiers to desert, to for-
feit 40 *l.* lxxx.

DIET of SOLDIERS in QUARTERS. See
§ xl, xli, and Index, *tit.* QUARTER-
ING.

E.

EAST INDIA COMPANY. Officers in that Service may sit in Conjunction with the Officers of His Majesty's Forces, at Courts Martial, § xiv. On the Trial of the Company's Officers, &c. the Regulations made in pursuance of an Act of the 27th Geo. II, are to be observed, *ibid.*

EDINBURGH. Officers to pay for their Lodgings when billeted in the Suburbs of that City, § l.

EMBEZZLEMENT of STORES. Every Commission Officer, Storekeeper, or Commissary, that shall embezzle, misapply, or neglect Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be dismissed, to forfeit 100 l. and to make good the Damage, § lxiv.

———— of PAY. Non-commission Officers embezzling, or misapplying any Money intrusted to them for the Payment of Soldiers, or for Enlisting, to be reduced to the Ranks, put under Stoppages, and suffer Corporal Punishment, lxv.

ENGINEERS. Royal Corps of, subject to this Act, § lxxi.

EXECUTORS. Paymasters, Agents, and Clerks, not accounting with Executors of Officers and Soldiers, forfeit their Employment, and 100 l.; § lxx.

F.

FEEES. None to be taken out of the Pay of Officers or Soldiers, § lxvi.

FENCIBLE

FENCIBLE MEN. When in actual Service, to be regularly mustered by Commissaries, § lxxv.

FERRIES. At the regular ones in *Scotland*, Officers may, at their Option, either hire the Boat for themselves and Parties only, or pass as Passengers; in either Case paying no more than Half the ordinary Rate, § lii.

Where there are not regular ones, they must hire Boats at the usual Rates, *ibid.*

FOOT GUARDS. May be quartered in *Westminster* and Parts adjacent, *London* excepted, xxxi.

May be put under weekly Stoppages, and settled with for the same every Two Months, § lxxviii.

G.

GAME. If an Officer, without Leave of the Lord of the Manor, kills or takes any Hare, Coney, Pheasant, Partridge, Pigeon, or other Fowl, or Poultry, or Fish, or His Majesty's Game, he shall forfeit 5 *l.* § liii.

If a Soldier offends herein, the Commanding Officer shall forfeit 20 *s.* *ibid.*

If Penalty be not paid within Two Days after Demand, the Officer's Commission shall be forfeited, *ibid.*

GAOLERS. See § lvii. *also* DESERTERS.

GUARDS, FOOT. See FOOT GUARDS.

GUERNSEY. This Act extends to that Island in sundry Particulars, § lxxvii.

GUNNERS of the Ordnance, liable to this Act, § lxxi.

H.

HORSES falsely **MUSTERED**. Are forfeited, if belonging to the Person who lent them for that Purpose, § xxvii. ; if not, the Person lending them to forfeit 20*l. ib.*

J.

JERSEY. This Act extends to that Island in sundry Particulars, § lxxvii.

INFORMERS. Soldiers who give Information of false Musters entitled to their Discharge, § xxvii. ; or of Pay illegally detained, lxxviii.

INNOLDERS. See **QUARTERING**.

INLISTING. Persons inlisted to be carried within Four Days, but not sooner than 24 Hours after, before the next Justice or Chief Magistrate (not being an Officer in the Army), who may set them at Liberty on their declaring their Dissent to such inlisting, returning the inlisting Money, and paying 20*s.* ; § liv.

But such as do not return the Money, &c. in the limited Time, to be deemed duly inlisted, *ibid.*

When any such Persons declare they inlisted voluntarily, the Justice is to certify the same ; and if they refuse to take the required Oath, they shall be confined till they do, *ibid.*

Officers acting contrary to these Regulations, liable to the Penalties for making a false Muster, *ibid.*

Persons receiving Inlisting Money, and absconding, or refusing to go before a Magistrate, to be deemed duly inlisted, § lv.

When

INLISTING *continued.*

When a Soldier serving in a Corps ordered home from a Foreign Station inlists into one appointed to remain there, he shall have a Certificate of his Inlisting given him, lvi.

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JUDGES. To judicially take Notice of the Articles of War, § xviii.

JUSTICES of the **PEACE**. To redress Grievances relating to quartering Soldiers, § xxix.

Being Military Officers, cannot grant Warrants for quartering their own Soldiers in *England*, xxx.

May settle the Allowance to be paid in lieu of Quarters for Horse and Dragoons by Persons having no Stables, xxxiv. and may order the Men and Horses to be removed, and the said Allowance to be paid to the Persons receiving them, *ibid*.

See also **CARRIAGES**, **INLISTING**, **MUSTERING**, **QUARTERING**.

L.

LAW. Nothing in this Act exempts Officers or Soldiers from being proceeded against in the ordinary Course of it, § viii.

LISTING. *See* **INLISTING**.

LODGINGS. Officers not to pay for them when billeted in *Scotland*, except in the Suburbs of *Edinburgh*, § i.

LONDON. Foot Guards not to be quartered there, § xxxi.

M.

MAN, Isle of. This Act extends to the Troops there in sundry Particulars, § lxxvii.

MARINES. Officers of the Marine Forces, when necessary, may sit in Conjunction with the Officers of the Land Forces in Courts Martial, taking Rank according to the Dates of their Commissions, § xiii.

MASTER GUNNERS of the Ordnance liable to this Act, § lxxiii.

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When in actual Service, to be regularly mustered, lxxv.

The Names of the Men who are within Six Months of the Time of the Expiration of their Service, and the Number of Men enrolled since the last Muster, to be certified on the Back of the Muster Roll, lxxvi.

MUSTERS. To be made twice a Year, § xxii.

None to be taken in *Westminster* or *Southwark* but in Presence of Two Justices, (not being Officers), unless they neglect to attend in 48 Hours after Notice of the Muster has been given to Six residing within the said Liberties, xxiii.; in such Case the Commissary may take the Muster, on making Oath of the Fact, *ibid.*

No Certificate to excuse a Soldier's Absence, unless he be on other Duty of the Regiment,

MUSTERS *continued.*

ment, sick, in Prison, or on Furlough, xxiv.

Persons granting or procuring false Certificates, forfeit their Office, and 50*l.* *ibid.*

Officers making false Musters, and Commissaries signing them, and Persons receiving Gratuities on Account of Mustering, forfeit their Employments, xxv.

Officers or Commissaries mustering Men by wrong Names liable to the Penalties of making false Musters, xxvi.

Persons offering to be falsely mustered, to be committed to the House of Correction for 10 Days, xxvii.

Horses lent by the Owners to be falsely mustered to be forfeited, *ibid.*; and if lent by other Persons, they are to forfeit 20*l.* *ibid.*

Persons not paying the Penalty in Four Days, to be imprisoned Three Months, or publicly whipped, *ibid.*

Forfeitures to be given to the Informers, who, if Soldiers, have a Right to be discharged, xxvii.

At Ten Miles Distance from *London* the Muster-rolls must be closed within Twenty-four Hours after taken, and within Seven Days after being closed must be transmitted to the Commissary General, who is to forward to the Secretary at War, Paymaster-general, and Comptrollers of Army Accounts, a Set each, xxviii.

No Alterations to be made therein, except in Orders of Leave, Dates of Commissions, or other involuntary Errors, *ibid.*

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MUSTERS *continued.*

Six Months of the Time of the Expiration of their Service, and the Number of Men inrolled since the last Muster, to be certified on the Back of the Muster-roll, lxxvi.

N.

NEW SOUTH WALES. In Garrisons there, a General Court-martial may consist of any Number of Members not less than Five, § xi.

No Offender to be sentenced to Death there, unless Two Thirds of the Members concur in the Sentence, xii.

NON-COMMISSIONED OFFICER. If convicted of embezzling or misapplying any Money intrusted to him for Payment of the Men, or for inlisting, to be reduced to serve as Private, and put under Stoppages, and to suffer Corporal Punishment, § lxxv.

For their Wives and Families, See Index, tit. SETTLEMENTS.

O.

OFFENCES. No Person to be tried a Second Time for the same, but in case of Appeal from a Regimental to a General Court-martial, § vii.

Against former Acts, or against Articles of War under them, punishable as Offences against this Act, and Trials begun under their Authority may be proceeded on, lxxxi; but not where the Offences have been committed more than Three Years before the Warrant for Trial, unless the Offenders were not amenable to Justice in that Period,

in

OFFENCES *continued.*

in which Case they may be tried in Two Years after the Impediment ceased, lxxii.

Against the Law of the Land. See § viii. ix; and Index, *tit.* **CRIMES.**

OFF-RECKONINGS. To be paid to the Persons who have Assignments thereof for Clothing delivered, § lxvii.

When no Assignments are produced, they are to remain in the Hands of the Paymaster, *ib.*

P.

PAY. See **AGENTS, CLERKS, PAY-MASTERS.**

PAYMASTERS. Detaining Officers or Soldiers Pay One Month after they have received it, forfeit their Employment and 100*l.* § lxviii.

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Form of Conviction, lxxxiii.

PERSONS, &c. liable to this Act wholly or in part.

Any who are commissioned, or in Pay as Officers, Non-commissioned Officers, or Soldiers, in the Land Forces or Marines; the Artillery, Militia, Fencible Men, *American* Troops, the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*; Regimental Paymasters, Agents, and Clerks; Officers of the Royal Engineers; Officers, &c. of the

the Royal Artificers, Master Gunners, and

Gunners under the Ordnance; § i, lxxviii,

lxx, lxxi, lxxii, lxxiv, lxxviii.

QUARTERING. In what Houses Officers and Soldiers may be billeted, § xix. None to be billeted in Private Houses without the Consent of the Occupier; and Magistrates, Constables, &c. presuming to quarter them without, liable to an Action of Damages, *ibid.*

Military Officers quartering Soldiers contrary to the Act, or menacing Civil Officers in the Discharge of their Duty, to be cashiered, *ibid.*

Persons quartered upon in a partial Manner may be relieved by a Justice, *ibid.*

Military Officers being Justices, not to be concerned in quartering the Men under their Command, xxx.

Foot Guards may be quartered in *Westminster* and Places adjacent, xxxi.

Petty Constables to deliver to the General Quarter Sessions for the said City and Liberties, Lists of the Persons liable to quarter the Foot Guards, and the Number billeted in each House, to remain with the Clerk of the Peace for Inspection, xxxii.

Persons neglecting to deliver such Lists, or delivering in defective or false ones, to forfeit § l. xxxiii.

Officers, Men, and Horses, of the Horse and Dragoons, may be quartered in any House where Officers and Soldiers may be billeted by this Act, xxxiii.

Persons having no Stables may have Horse and Dragoons billeted upon them removed, on making an Allowance in lieu of their Quarters, xxxiv. ; and which Allowance is

QUARTERING *continued.*

to be paid to the Persons receiving them, *ibid.*

Men and Horses of Dragoons to be billeted in the same House, or as near as possible, xxxv.

Commanding Officers may exchange the Quarters of Men and Horses billeted in the same Place, xxxvi.

Officers accepting or suffering to be taken any Money for excusing Persons liable to furnish Quarters, to be cashiered, xxxvii.

Constables, &c. neglecting or refusing to billet Soldiers, or taking any Reward for excusing Persons from quartering them, to forfeit from 40 s. to 5 l. xxxviii.

Victuallers refusing to receive Soldiers, or to furnish them, or Horses, with the Articles prescribed by this Act, liable to the like Penalty, *ibid.*

Justices may demand of Constables the Number of Officers and Soldiers by them respectively billeted, with the Names of the Housekeepers on whom quartered, &c. xxxix.

Non-commissioned Officers and Soldiers are to find their own Victuals, if Innholders furnish them with Candles, Vinegar, Salt, and Small Beer, *gratis*, and allow them Fire and Utensils for dressing their Meat, xli.

Officers receiving the Pay of Regiments or Companies, to give Notice thereof to the Persons who have furnished Quarters, that they may attend and receive what may be due to them from Officers or Soldiers on that Account, on Penalty of being cashiered, xlii.

Rates

QUARTERING *continued.*

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Such Officers, before the Departure of any Regiment from their Quarters, to make up an Account with the Persons who furnished them, and grant them Certificates of the Sums due, in order to be transmitted to the Paymaster of the Forces, or of the Marines, who are to pay the same respectively, *ibid.*

Officers and Soldiers in their Quarters to be furnished with Diet and Small Beer at the Rates mentioned in Clause xlii.

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Officers and Soldiers in *Scotland* may be quartered in such Houses as were liable to receive them at the Time of the Union, l.

No Officer billeted in *Scotland* to be liable to pay for his Lodging, except in the Suburbs of *Edinburgh*, *ibid.*

Officers and Soldiers of *American Troops*, sent over to *Great Britain*, to be quartered as *British Forces*, lxxii.

R.

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REWARD. For apprehending Deserters, 20*s.* § lviii.

S.

SARK, Island of. This Act extends to it inundry Cafes, § lxxvii.

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At the regular Ferries there, Officers may, at their Option, either hire the Boat for themselves and Parties only, or pass as Passengers, in either Case paying no more than Half the ordinary Rate, lii.

Where there are no regular Ferries, they must hire Boats at the usual Rates, *ibid.*

SETTLEMENT of SOLDIERS. Justices of Peace may require Non-commission Officers and Soldiers, having Families, to make Oath of the last Place of their legal Settlement, § xlv.

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SOUTHWARK. Musters to be made there in the Presence of Two Justices, § xxi.

STAMP DUTIES. The Original Proceedings of Courts-martial, or Entries, or Copies thereof, not chargeable with any, § xvii.

STOPPAGES. Weekly Rates of them, which are to be accounted for every Two Months, § lxviii.

Weekly, may be made from the Foot Guards, and accounted for in the same Manner, *ibid.*

STORES. Officers, Storekeepers, or Commissaries, embezzling or misapplying any Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be cashiered, forfeit 100*l.* and make good the Damage, § lxiv.

SUBSISTENCE. Weekly Rates at which it is to be paid to Non-commission Officers and Soldiers, § lxvii.

T.

TRIALS. *See* COURTS-MARTIAL.

V.

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W.

WESTMINSTER. Musters to be made there in the Presence of Two Justices, § xxiii.

Foot Guards may be quartered in that City and adjacent Parts (except *London*), xxxi.

Rules and Articles

OF THE BETTER

GOVERNMENT

OF THE

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From the 6th Day of March 17

Printed by J. M. A. T. & Co. No. 1

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Rules and Articles

**FOR THE BETTER
GOVERNMENT
OF
ALL HIS MAJESTY'S
FORCES,**

From the 24th Day of MARCH, 1798.

Published by His MAJESTY's Command.

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**Printed by GEORGE EYRE and ANDREW STRAHAN,
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RULES AND ARTICLES
GEORGE R

RULES AND ARTICLES

For the better Government of all
Our Forces



SECTION

Drummers

All Officers and Soldiers
not having full
rank, shall diligently
attend Divine Service and Sermon
in the Place appointed for the
Assembly of the Regiment, Troop
or Company, to which they be-
long, such as willfully absent them-
selves, or being present, behave
indecently or irreverently, shall be
punished.

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GEORGE R.

RULES AND ARTICLES

*For the better Government of all
Our Forces.*

SECTION I.

Divine Worship.

ALL Officers and Soldiers, not having just Impediment, shall diligently frequent Divine Service and Sermon, in the Places appointed for the assembling of the Regiment, Troop, or Company, to which they belong; such as wilfully absent themselves, or, being present, behave indecently or irreverently, shall, if

ART. I.
Divine Service and Sermon to be frequented.

The Penalty of absenting from Divine Service, and of irreverent Behaviour;

Com-

1. If Commis-
sioned Officers;

2. If Non-
commissioned
Officers, or
Soldiers.

How the For-
feiture is to
be applied.

ART. II.

The Penalty
of Swearing
or Cursing.

ART. III.

The Penalty
of speaking
against any
Article of the
Christian
Faith.

Commissioned Officers, be brought before a Court-martial, there to be publicly and severely reprimanded by the President; if Non-commissioned Officers, or Soldiers, every Person so offending shall, for his First Offence, forfeit Twelvepence, to be deducted out of his next Pay; for the Second Offence, he shall not only forfeit Twelvepence, but be laid in Irons for Twelve Hours; and for every like Offence, shall suffer and pay in like Manner: Which Money, so forfeited, shall be applied to the Use of the sick Soldiers of the Troop or Company to which the Offender belongs.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall use any unlawful Oath or Execration, shall incur the Penalties expressed in the First Article.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall presume to speak against any known Article of the Christian Faith, shall be delivered over to the

the Civil Magistrate, to be proceeded against according to Law.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall profane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word, shall be liable to such Punishment as by a General Court-martial shall be awarded.

ART. IV.

The Penalty of profaning Churches, or offering Violence to Chaplains or Ministers.

No Chaplain, who is commissioned to a Regiment, Company, Troop, or Garrison, shall absent himself from the said Regiment, Company, Troop, or Garrison, (excepting in case of Sickness, or Leave of Absence), upon Pain of being brought to a Court-martial, and punished as their Judgement, and the Circumstances of his Offence, may require.

ART. V.

Penalty on Chaplains absenting from the Regiment.

Whatsoever Chaplain to a Regiment, Troop, or Garrison, shall be guilty of Drunkenness, or of other scandalous or vicious Behaviour, derogating from the Sacred Character with which he is invested,

ART. VI.

Penalty on Chaplains guilty of Drunkenness, or other vicious Behaviour.

ARTICLES of WAR.

shall, upon due Proof before a Court-martial, be discharged from his Office.

S E C T. II.

Mutiny.

ART. I.

The Penalty of speaking traitorous or disrespectful Words against the King, or any of the Royal Family.

WHatsoever Officer, Non-commissioned Officer, or Soldier, shall presume to use traitorous or disrespectful Words against Our Royal Person, or any of Our Royal Family, if a Commissioned Officer, shall, upon Conviction thereof before a General Court-martial, be cashiered; if a Non-commissioned Officer or Soldier, he shall suffer such Punishment as by the Sentence of a General or Regimental Court-martial shall be awarded.

ART. II.

The Penalty of disrespectful Behaviour to the General or Commander in Chief.

Any Officer, Non-commissioned Officer, or Soldier, who shall behave himself with Contempt or Disrespect towards the General, or other Commander in Chief of Our

Forces,

ARTICLES of WAR.

7

Forces, or shall speak Words tending to his Hurt or Dishonour, shall be punished according to the Nature of his Offence, by the Judgement of a General Court-martial.

Any Officer, Non-commissioned Officer, or Soldier, who shall begin, excite, cause, or join in, any Mutiny or Sedition, in the Regiment, Troop, or Company, to which he belongs, or in any other Regiment, Troop, or Company, either of Our Land or Marine Forces, or in any Party, Post, Detachment, or Guard, on any Pretence whatsoever, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. III.

The Penalty of Mutiny;

Any Officer, Non-commissioned Officer, or Soldier, who, being present at any Mutiny or Sedition, shall not use his utmost Endeavour to suppress the same, or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer,

ART. IV.

and of not suppressing, or the concealing of Mutiny.

Officer, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. V.

The Penalty of striking or drawing any Weapon against a superior Officer; or disobeying Orders.

Any Officer, Non-commissioned Officer, or Soldier, who shall strike his superior Officer, or shall draw, or offer to draw, or lift up any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey any lawful Command of his superior Officer, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

S E C T. III.

Of Inlisting Soldiers.

ART. I.

Non-commissioned Officers and Soldiers, at their Inlisting, to have the Articles against Mutiny and Desertion read to them;

EVERY Non-commissioned Officer and Soldier, who shall be enlisted in Our Service, shall, at the Time of Inlisting, or within Four Days afterwards, have the Second and Sixth Sections of these Articles, which respect Mutiny and Desertion,

Desertion, read to him, and shall, by the Officer who enlisted him, or by the Commanding Officer of the Troop or Company into which he was enlisted, be taken, within Four Days, but not sooner than Twenty-four Hours after such Enlisting, before the next Justice of the Peace, or Chief Magistrate of any City or Town Corporate, (not being an Officer of the Army), or in Foreign Parts, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate, and, in his Presence, take the following Oath:

I SWEAR to be true to our Sovereign Lord King GEORGE, and to serve him honestly and faithfully, in Defence of His Person, Crown, and Dignity, against all His Enemies or Opposers whatsoever: And to observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty.

Which Justice or Magistrate is to give the Officer a Certificate, signifying, that the Man enlisted did take

and to be brought before the next Justice.

or, in Foreign Parts, before the Judge Advocate.

The Oath of Fidelity.

The Justice to give a Certificate thereof.

take the said Oath, and that the Second and Sixth Sections of the Articles of War were read to him, as prescribed by the Act of Parliament for punishing Mutiny and Desertion.

ART. II.

No Discharge to be allowed unless signed by a Field Officer of the Regiment, &c.

Non-commissioned Officers and Soldiers, having been duly enlisted, and sworn, shall not be dismissed Our Service without a Discharge in Writing signed by a Field Officer of the Corps to which they belong; or if no Field Officer be with the Corps, by the Commanding Officer thereof; or in respect to Regiments serving abroad, the Colonels of which are absent from *Great Britain*, by the Adjutant General of Our Forces or by the Commandant of Our Forces in *Chatham Barracks*.

SECTION IV.

Musters.

ART. I.

Musters to be taken Twice a Year, &c.

MUSTERS shall be taken of Our Regiments of Life Guards, Horse Guards, and Foot Guards,

Guards, Twice at the least in every Year, at such Times as shall have been or may be appointed, and agreeably to the Forms heretofore used therein, until Our further Pleasure be declared.

of the Life,
Horse, and
Foot Guards,

The Musters of every Regiment, Troop, or Company in Our Service, other than Our Corps of Life Guards, Horse Guards, and Foot Guards, shall be taken at such Times, and in such Manner, as We have been pleased to direct, by Our late Regulations touching Regimental and District Paymasters, and the Mode of mustering, paying, and settling the Accompts of Our Army; or according to such Regulations as We may further think fit to establish in relation thereto: And all Commanding Officers, and others concerned in the Mustering as well of Our Regiments of Life Guards, Horse Guards, and Foot Guards, as of Our other Forces, are hereby required to give the utmost Care and Attention to the making

and the Rest
of the Forces
as directed by
His Majesty's
late Regula-
tions.

ART. 2
Musters to be
taken Twice
a Year, &c.

to sign the Muster-rolls

making up of the Muster Rolls, with strict Exactness and Accuracy, as they shall be answerable to Us for their Neglect.

ART. II.

The Penalty of signing false Certificates.

Every Officer who shall be convicted before a General Court-martial of having signed a false Certificate, relating to the Absence of either Officer, Non-commissioned Officer, or private Soldier, shall be cashiered.

ART. III.

The Penalty of making false Musters, or signing false Muster-rolls.

Every Officer who shall knowingly make a false Muster of Man or Horse, and every Officer and Commissary or Muster Master who shall wittingly sign, direct or allow the signing of the Muster-rolls, wherein such false Muster is contained, shall, upon Proof made thereof by Two Witnesses before a General Court-martial, be cashiered, and suffer such other Penalty as he is liable to by the Act for punishing Mutiny and Desertion.

ART. IV.

Penalty on the Commissary taking Money.

Any Commissary or Muster Master, who shall be convicted before a General Court-martial of having taken

taken Money by way of Gratification on the mustering any Regiment, Troop, or Company, or on the signing the Muster-rolls, shall be displaced from his Office, and suffer such other Penalty as he is liable to by the said Act.

on a Muster, or on signing the Muster-roll.

Any Officer who shall presume to muster any Person as a Soldier, who is at other Times accustomed to wear a Livery, or who does not actually do his Duty as a Soldier, shall be deemed guilty of having made a false Muster, and shall suffer accordingly.

II. T. R. A.

ART. V.

Penalty of mustering any accustomed to wear a Livery, or not doing Duty as a Soldier.

Every Colonel or other Field Officer commanding a Regiment, Troop, or Company, and actually residing with it, may give Furloughs to Non-commissioned Officers and Soldiers, in such Numbers, and for so long a Time, as he shall judge to be most consistent with the Good of Our Service; but no Non-commissioned Officer or Soldier shall, by Leave of his Captain, or inferior Officer, com-

ART. VI.

Field Officers residing with the Regiments may grant Furloughs.

How long Time a Soldier may be absent, and by what Leave.

manding the Troop or Company, (his Field Officer not being present), be absent above Twenty Days in Six Months; nor shall more than Two private Men be absent at the same Time from their Troop or Company, unless some extraordinary Occasion shall require it, of which Occasion the Field Officer present with and commanding the Regiment is to be the Judge.

S E C T. V.

Returns.

ART. I.

Penalty on
Officer mak-
ing false Re-
turns.

EVERY Officer who shall knowingly make a false Return to Us, to the Commander in Chief of Our Forces, or to any his superior Officer authorised to call for such Returns, of the State of the Regiment, Troop, or Company, or Garrison, under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, shall, upon being

being convicted thereof before a General Court-martial, be cashiered.

The Commanding Officer of every Regiment, Troop, or Independent Company, or Garrison, in *South Britain*, shall, in the Beginning of every Month, transmit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of the Regiment, Troop, Independent Company, or Garrison, under his Command, specifying the Names of the Officers not then residing at their Posts, and the Reason for, and Time of, their Absence: Whoever shall be convicted of having, designedly or through Neglect, omitted the sending such Returns, shall be punished according to the Nature of his Offence by the Judgment of a General Court-martial.

Returns shall be made in like Manner of the State of Our Forces in Our Kingdom of *Ireland* to the Chief Governor or Governors thereof, as likewise of Our Forces in

ART. II.

Penalty of not remitting a Monthly Return to the Commander in Chief and Secretary at War.

ART. III.

The like Returns to be made in *Ireland* and *Scotland*.

ART. II.

Penalty of in-
flicting in other
Regiments
without a
Discharge
from the
Regiment

North Britain to the Officer there commanding in Chief, which Returns shall, from Time to Time, be transmitted to Us, as it shall be best for Our Service.

ART. IV.

Returns to be
made from
Gibraltar,
and Regi-
ments station-
ed abroad.

It is Our Pleasure, That exact Returns of the State of Our Gar- rison at *Gibraltar*, and of Our Re- giments, Garrisons, and Indepen- dent Companies, stationed abroad, be, by their respective Governors or Commanders there residing, by all convenient Opportunities, trans- mitted to Our Secretary at War, for their being laid before Us.

S E C T. VI.

Desertion.

ART. I.
The Penalty
of Desertion,

ALL Officers, Non-commis- sioned Officers, and Soldiers, in Our Service, who shall be con- victed of having deserted the same, shall suffer Death, or such other Punishment as by a General Court- martial shall be awarded.

No

No Non-commissioned Officer or Soldier shall enlist himself in any other Regiment, Troop, or Company, without a regular Discharge from the Regiment, Troop, or Company, in which he last served, on the Penalty of being reputed a Deserter, and suffering accordingly: And in case any Officer shall knowingly receive and entertain such Non-commissioned Officer or Soldier, or shall not, after his being discovered to be a Deserter, immediately confine him, and give Notice thereof to the Corps in which he last served, he the said Officer so offending shall, on being convicted thereof before a General Court-martial, be cashiered.

Non-commissioned Officers and Soldiers, who shall desert any Regiment, Troop, or Company, in which they shall have enlisted or received Pay, although of Right belonging to and liable to be claimed by another Corps, in which they may have before enlisted or received Pay, or who shall, whilst

ART. II.

Penalty of enlisting in other Regiments, without a Discharge from the former Regiment.

Penalty on Officers entertaining, and not confining such as Deserters.

ART. III.

Deserters who shall enlist in another Regiment, &c.

may be punished by a Court-martial in such Regiment:

And if claimed by the Regiment in which they first enlisted, their subsequent Desertions may be given in Evidence, *etc.*

ART. IV.

Soldiers absenting from their Compa-

ny serving in such Regiment, Troop, or Company, commit any Offence against the Rules of Military Discipline, may be tried by a Court-martial, and punished for such Desertion, or other Offence, in like Manner as if they had originally and rightfully enlisted in such Regiment, Troop, or Company: Or, if any such Non-commissioned Officer or Soldier shall be claimed by the Corps in which he first enlisted, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any one or more Corps, in which he shall unwarrantably have enlisted, may (unless he shall already have been tried for the same) be given in Evidence, as an Aggravation of his Crime, previous Notice being always given to such Non-commissioned Officer or Soldier of the Fact or Facts intended to be produced in Evidence against him.

Any Non-commissioned Officer or Soldier, who shall, without Leave from his Commanding Officer,

ficer, absent himself from his Troop or Company, or from any Detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the Nature of his Offence, at the Discretion of a General or Regimental Court-martial.

ny, or Detachment, without Leave, to be punished at the Discretion of a Court-martial.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall be convicted of having advised or persuaded any other Officer or Soldier to desert Our Service, shall suffer such Punishment as by the Sentence of a General Court-martial shall be awarded.

ART. V.

The Penalty of persuading any one to desert.

S E C T. VII.

Quarrels and sending Challenges.

NO Officer, Non-commissioned Officer, or Soldier, shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, if an Officer, of being put in Arrest, (or if a Non-com-

ART. I.

The Penalty of provoking Speech or Action.

commissioned Officer, or a Soldier, imprisoned), and of asking Pardon of the Party offended, in the Presence of his Commanding Officer.

ART. II.

The Penalty
of sending a
Challenge.

No Officer, Non-commissioned Officer, or Soldier, shall presume to give or send a Challenge to any other Officer, Non-commissioned Officer, or Soldier, to fight a Duel, upon Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer or Soldier, of suffering corporal Punishment, at the Discretion of a Court-martial.

ART. III.

The Penalty if
an Officer suf-
fer any to go
out to fight a
Duel.

The Seconds
carrying Chal-
lenges shall be
reputed as
Principals.

If any Commissioned or Non-commissioned Officer commanding a Guard shall knowingly and willingly suffer any Person whatsoever to go forth to fight a Duel, he shall be punished as a Challenger: And likewise all Seconds, Promoters, and Carriers of Challenges, in order to Duels, shall be deemed as Principals, and be punished accordingly.

ART. IV.

All Officers
have Power to
part Frays.

All Officers, of what Condition soever, have Power to quell all Quarrels, Frays, and Disorders, though

though the Persons concerned should belong to another Regiment, Troop, or Company, and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers to Prison, until their proper superior Officers shall be acquainted therewith; and whoever shall refuse to obey such Officer, (though of an inferior Rank), or shall draw his Sword upon him, shall be punished at the Discretion of a General Court-martial.

Penalty of
resisting.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall upbraid another for refusing a Challenge, shall himself be punished as a Challenger; and We hereby acquit and discharge all Officers and Soldiers of any Disgrace, or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will only have acted in Obedience to Our Orders, and done their Duty as good Soldiers, who subject themselves to Discipline.

ART. V.

Penalty for
upbraiding
any for refus-
ing a Chal-
lunge.

SECT.

S E C T. VIII.

Suttling.

ART. I.

Suttlers not
to sell any
Thing after
Nine at Night,

or before the
Reveilles,
or upon *Sun-*
days during
Divine Ser-
vice.

ART. II.

Liberty given
for bringing
Provisions into
Garrisons, etc.

ART. III.

Commanding
Officers are to

NO Suttler shall be permitted to sell any Kind of Liquors or Victuals, or to keep their Houses or Shops open, for the Entertainment of Soldiers, after Nine at Night, or before the Beating of the Reveilles, or upon *Sundays* during Divine Service or Sermon, on the Penalty of being dismissed from all future Suttling.

All Officers, Non-commissioned Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of Our Forts or Garrisons, any Quantity or Species of Provisions, eatable or drinkable, except where any Contract or Contracts are or shall be entered into by Us, or by Our Order, for furnishing such Provisions, and with respect only to the Species of Provisions so contracted for.

All Governors, Lieutenant Governors, and Officers commanding
in

in Our Forts, Barracks, or Garrisons, are hereby required to see that the Persons permitted to fettle supply the Soldiers with good and wholesome Provisions, at the Market Price, as they shall be answerable to Us for their Neglect.

see the Soldiers
supplied with
Provisions at
the Market
Price.

No Governors, or Officers commanding in any of Our Garrisons, Forts, or Barracks, shall either themselves exact exorbitant Prices for Houses or Stalls let out to Suttlers, or shall connive at the like Exactions in others; nor by their own Authority, and for their private Advantage, shall they lay any Duty or Imposition upon, or be interested in, the Sale of any Victuals, Liquors, or other Necessaries of Life, or Merchandizes, brought into the Garrison, Fort, or Barracks, under their Command, for the Use of the Soldiers, on Pain (upon Conviction thereof by a General Court-martial) of being dismissed from Our Service; and suffering,

ART. IV.

Penalty of exacting in the letting out of Stalls to Suttlers, or laying a Duty on, or being interested in, the Goods sold by them.

ART. V.

or of conniv-
ing at others
selling Provi-
sions at exor-
bitant Rates.

suffering, besides, such Penalty as they may be liable to by Law.

And if any Governor, or Officer commanding in any of Our Garrisons, Forts, or Barracks, shall connive at any other Officer or Person selling such Victuals, Liquors, or other Necessaries of Life, or Merchandizes, to the Soldiers under his Command, at exorbitant Rates; he shall, on Conviction thereof by a General Court-martial, be cashiered, and shall besides suffer such Penalty as he may be liable to by Law.

S E C T. IX.

Quarters.

ART. I.

Penalty of de-
manding Bil-
lets for Quar-
tering more
than the Num-
ber of effective
Men;
or of Quarter-

NO Officer, or Non-commis-
sioned Officer, shall demand
Billets for Quartering more than
his effective Men; nor shall he
quarter any Wives, Children, Men
or Maid Servants, in the Houses
assigned

assigned for the Quartering of Officers or Soldiers, without the Consent of the Owners; nor shall he take Money for the freeing of Landlords from the Quartering of Officers or Soldiers, upon Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer, of being reduced to a private Centinel, and suffering such Corporal Punishment as by the Sentence of a General or Regimental Court-martial shall be awarded.

Every Officer commanding a Regiment, Troop, Company, or Detachment, whether in settled Quarters, or upon a March, shall take Care that his own Quarters, as also the Quarters of every Officer and Soldier under his Command, be regularly cleared at the End of every Week; but in case any such Regiment, Troop, Company, or Party, be ordered to march before Money may be come to the Hands of the Commanding Officer aforesaid, he is hereby required to see that

ing Wives, Children, Men or Maid Servants; or taking Money for freeing of Landlords from Quartering Officers and Private Men.

ART. II.

Commanding Officer to see the Quarters cleared weekly;

and to give Certificates for Money due in Quarters.

and remit Duplicates thereof to the Paymaster General; on Penalty of being cashiered.

that the Accounts with all Persons who shall have Money due to them for the Quartering of Officers and Soldiers be exactly stated; and he is to sign a Certificate for each Landlord, specifying what Sum is then justly due to him, as likewise the Regiment, Troop, or Company, to which the Officers and Soldiers so indebted to him belong; and is, by the first Opportunity, to transmit Duplicates of the said Certificates to Our Paymaster General: Any Commanding Officer who shall refuse or neglect to make up such Accounts, and to certify the same, as is above directed, shall, upon being convicted thereof before a General Court-martial, be cashiered.

ART. III.

Penalty on the Commanding Officer not causing publick Notice to be given against crediting Soldiers beyond their Pay.

The Commanding Officer of every Regiment, Troop, Company, or Detachment, shall, upon their first coming to any City, Town, or Village, where they are to remain in Quarters, cause publick Proclamation to be made, signifying,

nifying, That, if the Landlords or other Inhabitants suffer the Non-commissioned Officers, or Soldiers, to contract Debts beyond what their daily Subsistence will answer, such Debts will not be discharged; the said Commanding Officer refusing or neglecting so to do, shall be suspended for Three Months; during which Time his whole Pay shall be applied to the discharging of such Debts as shall have been contracted by the Non-commissioned Officers or Soldiers under his Command, beyond the Amount of their daily Subsistence: If there be any Overplus remaining, it may be returned to him.

If, after publick Proclamation made as above directed, the Inhabitants shall notwithstanding suffer the Non-commissioned Officers and Soldiers to contract Debts beyond what the Money issued out, or to be issued out, for their daily Subsistence will answer, it will be at their own Peril, the Officers not

M being

ART IV.

Inhabitants
crediting Sol-
diers beyond
their Pay,
after publick
Notice to the
contrary, Offi-
cers not liable
to the Debt.

ART. V.

The Penalty if
an Officer re-
fuse to see Ju-
stice done, if
any Person
shall be abused
or wronged by
a Soldier.

being obliged to discharge the said Debts.
Every Officer commanding in Quarters, Garrisons, or on a March, shall keep good Order, and to the utmost of his Power redress all such Abuses or Disorders as may be committed by any Officer or Soldier under his Command: If, upon Complaint made to him of Officers, Non-commissioned Officers, or Soldiers, beating or otherwise ill-treating their Landlords, or extorting more from them than they are obliged to furnish by Law; or disturbing Fairs or Markets, or committing any Kind of Riots, to the disquieting of Our People, such Commanding Officer shall refuse or omit to see Justice done on the Offender or Offenders, and Reparation made to the Party or Parties injured, as far as Part of the Offender's Pay (not exceeding the Half thereof) shall enable him to make such Reparation; he shall, upon due Proof thereof

thereof before a General Court-martial, be deemed culpable in the same Degree as if he himself had committed the Crimes or Disorders complained of, and shall be punished accordingly, at the Discretion of such Court-martial.

S E C T. X.

Carriages.

THE Commanding Officer of every Regiment, Troop, Company, or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages, and is to pay for them as is directed by the Mutiny Act; taking Care not himself to beat or abuse, nor to suffer any Person under his Command to beat or abuse, the Waggoners, or other Persons attending such Carriages; nor to suffer more than Thirty Hundred Weight to be loaded on any Wain or Waggon so furnished,

Commanding Officer is to apply for Carriages, and to pay for them according to the Act of Parliament; and not to suffer the Persons attending them to be abused;

or their Carriages overloaded:

On Failure of
Money, he is
to grant Cer-
tificates to
them.

nished, or in proportion on Carts or Cars; nor to permit Soldiers (except such as are sick or lame), or Women, to ride upon the said Carriages: Whatsoever Officer shall offend herein, or, in case of Failure of Money, shall refuse to grant Certificates, specifying the Sums due for the Use of such Carriages, and the Name of the Regiment, Troop, or Company, in whose Service they were employed, shall be cashiered, or be otherwise punished according to the Degree of his Offence by a General Court-martial.

SECTION XI.

Of Crimes punishable by Law.

ART. 1.
Commanding
Officers are,
upon Applica-
tion, to use
their utmost
Endeavours to
deliver over to
the Civil Ma-
gistrate any
Officer, Non-
commission

WHenever any Officer, Non-commissioned Officer, or Soldier, shall be accused of a Capital Crime, or of having used Violence, or committed any Offence against the Persons or Property of Our Subjects, such as is punishable by the known Laws of the

the Land, the Commanding Officer and Officers of every Regiment, Troop, Company, or Detachment, to which the Person or Persons so accused shall belong, are hereby required, upon Application duly made by or in Behalf of the Party or Parties injured, to use his and their utmost Endeavours to deliver over such accused Person or Persons to the Civil Magistrate; and likewise to be aiding and assisting to the Officers of Justice, in apprehending and securing the Person or Persons so accused, in order that he or they may be brought to a Trial. If any Commanding Officer or Officers shall wilfully neglect or shall refuse, upon the Application aforesaid, to deliver over such accused Person or Persons to the Civil Magistrates, or to be aiding and assisting to the Officers of Justice in apprehending such Person or Persons, the Officer or Officers so offending shall, upon being

Officer, or Soldier, accused of Crimes punishable by the known Laws of the Land;

and to be aiding to the Officers of Justice in securing such Offender;

and upon wilful Neglect or Refusal, to be cashiered.

convicted thereof before a General Court-martial, be cashiered.

ART. II.

The Penalty if
an Officer pro-
tect any from
his Creditors,

No Officer shall protect any Person from his Creditors, on the Pretence of his being a Soldier, nor any Non-commissioned Officer or Soldier who does not actually do all Duties as such, and no farther than is allowed by the Act of Parliament for punishing Mutiny and Desertion, and according to the true Intent and Meaning of the said Act; Any Officer offending herein, being convicted thereof before a General Court-martial, shall be cashiered.

S E C T. XII.

Of Redressing Wrongs.

ART. I.

What an
Officer
must do, if
he thinks
himself
wronged,

IF any Officer shall think himself to be wronged by his Colonel, or the Commanding Officer of the Regiment, and shall, upon due Application made to him, be refused to be redressed, he may complain

to

to the General commanding in Chief Our Forces, in order to obtain Justice; who is hereby required to examine into such Complaint; and either by himself, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our further Directions.

If any inferior Officer, Non-commissioned Officer, or Soldier, shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required to summon a Regimental Court-martial, for the doing Justice to the Complainant; from which Regimental Court-martial either Party may, if he thinks himself still aggrieved, appeal to a General Court-martial: But if, upon a Second Hearing, the Appeal shall appear to be vexatious and groundless, the Person

ART. II.

What an inferior Officer or Soldier must do, if he thinks himself wronged.

so appealing, shall be punished at the Discretion of the said General Court-martial.

S E C T. XIII.

Of Stores, Ammunition, &c.

ART. I.

Penalty of Officers selling Military Stores without Order; or embezzling, or misapplying them, or suffering them to be damaged by Neglect.

Whatsoever Commissioned Officer, Storekeeper, or Commissary, shall be convicted at a General Court-martial of having sold, (without a proper Order for that Purpose), embezzled, misapplied, or wilfully, or through Neglect, suffered any of Our Provision, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, shall, at his own Charge, make good the Loss or Damage, and be dismissed from Our Service, and shall also suffer such other Penalty as he is liable to by the Mutiny Act.

ART. II.

The Penalty of wasting Ammunition

Whatsoever Non-commissioned Officer or Soldier shall be convicted at a General or Regimental Court-

Court-martial of having sold, or delivered out designedly, or through Neglect, for the Service, wasted the Ammunition delivered out to him to be employed in Our Service, shall suffer corporal Punishment, at the Discretion of such Court-martial: A Non-commissioned Officer so offending, shall also be reduced to a private Centinel.

Every Non-commissioned Officer or Soldier, who shall be convicted at a General or Regimental Court-martial of having sold, lost, or designedly or through Neglect spoiled, his Horse, Arms, Clothes, or Accoutrements, shall undergo such Weekly Stoppages (not exceeding the Half of his Pay) as such Court-martial shall judge sufficient for repairing the Loss or Damage; and shall besides suffer Imprisonment, or other corporal Punishment, at the Discretion of the said Court-martial.

If any Commissioned Officer shall embezzle or misapply any Monies, with

ART. III.

The Penalty if a Soldier sell or spoil his Arms, etc.

ART. IV.

Penalty on Officers' em-

bezzling or
misapplying
Regimental
Money.

with which he may have been entrusted for the Payment of the Soldiers under his Command, or for inlisting Men into Our Service, or for any Regimental Purpose, and shall be thereof convicted by a General Court-martial, he shall be dismissed Our Service, and shall forfeit the Arrears due to him upon Account of his Pay, or so much thereof as may be sufficient to make good the Deficiency occasioned by such Embezzlement or Misapplication.

ART. V.

The Penalty if
a Non-com-
missioned Of-
ficer embez-
zle, &c. the
Pay of the
Men under his
Command, or
the Inlisting
Money, &c.
with which he
is intrusted.

Every Non-commissioned Officer who shall be convicted, at a General or Regimental Court-martial, of having embezzled or misapplied any Money with which he may have been intrusted for the Payment of the Men under his Command, or for inlisting Men into Our Service, or for any Regimental Purpose, shall be reduced to serve in the Ranks as a private Soldier, be put under Stoppages until the Money be made good, and suffer such corporal Punishment as

as the Court-martial shall think fit.

Every Captain of a Troop or Company is charged with the Arms, Accoutrements, Ammunition, Clothing, or other warlike Stores, belonging to the Troop or Company under his Command, for which he is to be accountable to his Colonel, in case of their being lost, spoiled, or damaged, not by unavoidable Accident, or on actual Service.

ART. VI.

The Captain to be accountable to his Colonel for the Arms, etc. of his Company.

SECT. XIV.

Of Duties, in Quarters, in Garrison, or in the Field.

ALL Officers, Non-commissioned Officers, and Soldiers, are to behave themselves orderly in Quarters, and on their March; and whoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-ponds,

ART. VII.

Officers and private Men are to be orderly in Quarters, and on their March.

The Penalty
of spoiling the
Property of
any Person,
unless by Or-
der to annoy
the Enemy.

ponds, Houses, or Gardens, Corn-
fields, Inclosures, or Meadows, or
shall maliciously destroy any Pro-
perty whatsoever belonging to any
of Our Subjects, unless by Order
of the then Commander in Chief
of Our Forces, to annoy Rebels,
or other Enemies in Arms against
Us, he or they that shall be found
guilty of offending herein, shall
(besides such Penalties as they are
liable to by Law) be punished
according to the Nature and De-
gree of the Offence, by the Judge-
ment of a General or Regimental
Court-martial.

ART. II.

The Penalty
if a Soldier be
found one Mile
from his Camp
without Leave
in Writing.

All Non-commissioned Officers
and Soldiers, who shall be found
One Mile from the Camp, without
Leave, in Writing, from their
Commanding Officer, shall suffer
such Punishment as by the Sen-
tence of a General or Regimental
Court-martial shall be awarded.

ART. III.

The Penalty of
lying all Night
out of Camp
or Quarters.

No Officer, Non-commissioned
Officer, or Soldier, shall lie out
of his Quarters, Garrison, or
Camp,

Camp, without Leave from his superior Officer, upon Pain of being punished, according to the Circumstances and Degree of his Offence, by the Sentence of a General or Regimental Court-martial.

Every Non-commissioned Officer and Soldier shall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which he shall in like Manner be punished according to the Circumstances and Degree of his Offence.

No Officer, Non-commissioned Officer, or Soldier, shall fail to repair, at the Time fixed, to the Place of Parade of Exercise, or other Rendezvous appointed by the Commanding Officer, if not prevented by Sickness, or some other evident Necessity; or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished, according to the Circumstances

ART. IV.

The Penalty if a Soldier do not retire to his Quarters at the Beating of the Retreat.

ART. V.

The Penalty if a Soldier does not repair at the Time fixed to the Parade of Exercise, or other Rendezvous;

or of quitting his Guard, &c. without being dismissed or relieved.

ART. VI.

The Penalty
of a Soldier
hiring, and of
the Party do-
ing his Duty.

circumstances and Degree of his Of-
fence, by the Judgement of a Gene-
ral or Regimental Court-martial.

No Soldier belonging to any of
Our Regiments of Life Guards,
Horse Guards, or Foot Guards, or
to any other Regiment of Horse,
Foot, or Dragoons, in Our Service,
shall hire another to do his Duty
for him, or be excused from Duty,
but in case of Sickness, Disability,
or Leave of Absence, and every
such Soldier found guilty of hiring
his Duty, as also the Party so hiring
to do another's Duty, shall be pu-
nished at the Discretion of a Regi-
mental Court-martial.

ART. VII.

The Penalty
of an Officer's
conniving at
the Hiring of
Duty.

And every Non-commissioned
Officer conniving at such Hiring of
Duty, as aforesaid, shall be reduced
for it; and every Commissioned
Officer, knowing and allowing of
such ill Practices in Our Service,
shall be punished by the Judgement
of a General Court-martial.

ART. VIII.

The Penalty
if an Officer or

Any Officer, Non-commissioned
Officer, or Soldier, who shall,
without

without urgent Necessity, or without Leave of his superior Officer, quit his Platoon or Division, shall be punished according to the Circumstances and Degree of his Offence by the Judgement of a General or Regimental Court-martial.

Soldier shall quit his Platoon or Division.

Whatsoever Commissioned Officer shall be found drunk on his Guard, Party, or other Duty, under Arms, shall, upon being convicted thereof before a General Court-martial, be cashiered for it; any Non-commissioned Officer or Soldier, so offending, shall suffer such corporal Punishment as by a General or Regimental Court-martial shall be awarded.

ART. VIII.
The Penalty of Drunkenness.

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. X.
Penalty if a Centinel be found sleeping on his Post, or of quitting it before he is relieved.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall

ART. XI.
The Penalty of doing No.

lence to any
who bring
Provisions to
the Camp or
Quarters.

do Violence to any Person who brings Provisions, or other Necessaries, to the Camp, Garrison, or Quarters, of Our Forces employed in Foreign Parts, and shall be convicted thereof by a General Court-martial, shall suffer Death.

ART. XII

The Penalty
of forcing a
Safeguard.

Whosoever of Our Forces employed in Foreign Parts shall force a Safeguard, and shall be convicted thereof by a General Court-martial, shall suffer Death.

ART. XIII.

The Penalty
of making
known the
Watch-word,

Any Person belonging to Our Forces employed in Foreign Parts, who shall make known the Watch-word to any Person who is not intitled to receive it according to the Rules and Discipline of War, or shall presume to give a Parole or Watchword different from what he received, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded:

or giving a
false one.

And whosoever shall be found guilty of such Offence in *Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished

ARTICLES of WAR.

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punished at the Discretion of a General Court-martial.

Any Person belonging to Our ART. XIV.

Forces employed in any of Our Dominions beyond the Seas, or in Foreign Parts, who, by discharging Fire Arms, drawing of Swords, beating of Drums, or by any other Means whatever shall occasion false Alarms, in Camp, Garrison, or Quarters, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded:

The Penalty of making false Alarms, in Camp or Quarters.

And whosoever shall be found guilty of the said Offence in *Great Britain, or Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished at the Discretion of a General Court-martial.

Whoever shall be convicted of holding Correspondence with, or giving Intelligence to, the Enemy, either directly or indirectly, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. XV.

The Penalty of holding Correspondence with, or giving Intelligence to, the Enemy.

N

Whoso-

ART. XVI.

The Penalty
of relieving or
harbouring an
Enemy.

Whosoever shall relieve the Enemy with Money, Victuals, or Ammunition, or shall knowingly harbour or protect an Enemy, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. XVII.

Publick Stores
to be secured
for His Majesty's Service.

All Publick Stores taken in the Enemy's Camp, Towns, Forts, or Magazines, whether of Artillery, Ammunition, Clothing, Forage, or Provisions, shall be secured for Our Service; for the Neglect of which Our Commanders in Chief are to be answerable.

ART. XVIII.

The Penalty
of going in
Search of
Plunder.

If any Officer, Non-commissioned Officer, or Soldier, shall leave his Commanding Officer, or his Post or Colours, to go in Search of Plunder, he shall, upon being convicted thereof, suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

ART. XIX.

The Penalty
of casting
away Arms or
Ammunition.

Any Person belonging to Our Forces employed in Foreign Parts, who shall cast away his Arms or Ammunition,

Ammunition, shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded:

And whosoever shall be found guilty of such Offence in *Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished at the Discretion of a General Court-martial.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his Charge, or which he shall be commanded to defend; shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

Whatsoever Officer, Non-commissioned Officer, or Soldier, shall compel the Governor, or Commanding Officer of any Garrison, Fortress, Post, or Guard, to deliver up to the Enemy or to abandon the

ART. XX.

The Penalty of misbehaving before the Enemy, abandoning Garrisons, &c.

ART. XXI.

The Penalty of compelling others to misbehave before the Enemy, abandon Garrisons, &c.

same, or shall speak Words, or use any other Means to induce such Governor, Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortrefs, Post, or Guard, committed to their respective Charge, or which he or they shall be commanded to defend; shall suffer Death, or such other Punishment as by a General Court-martial shall be awarded.

S E C T. XV.

R A N K.

ART. I.
Brevets.

OFFICERS having Brevets, or Commissions of a prior Date to those of the Regiment in which they now serve, may take place in Courts-martial, and on Detachments, when composed of different Corps, according to the Rank given them in their Brevets, or Dates of their former Commissions; but in

the Regiment, Troop, or Company, to which such Brevet Officers, and those who have Commissions of a prior Date, do belong, they shall do Duty, and take Rank, both on Courts-martial and on Detachments which shall be composed only of their own Corps, according to the Commissions by which they are mustered in the said Corps.

If upon Marches, Guards, or in Quarters, any of Our Regiments of Life Guards, or Regiment of Horse Guards, shall happen to join or do Duty together, the eldest Officer by Commission there, on Duty or in Quarters, shall command the Whole, and give out Orders for what is needful to Our Service; Regard being always had to the respective Ranks of those Corps, and the Posts they usually occupy.

And in like Manner also, if any Regiments, Troops, or Detachments of Our Life Guards, Horse Guards, or Foot Guards, shall hap-

ART. II.

The eldest Officer is to command when any Troops of the Horse Guards and the Regiment of Horse Guards shall do Duty together;

ART. III.

or when any of the Life Guards, Horse or Foot Guards

shall do Duty
with any other
Corps,

pen to march with or be encamped or quartered with any Bodies or Detachments of Our other Troops, the eldest Officer, without respect to Corps, shall take upon him the Command of the Whole, and give the necessary Orders to Our Service.

ART. IV.

The Regiments of Life Guards, doing Duty unmixed, to be considered as One Corps; and the Officers to take Rank, &c. as they are mustered.

Whenever Our Regiments of Life Guards, or Detachments from the same, shall do Duty together, unmixed with other Corps, they are to be considered as one Corps, and the Officers are to take Rank and do Duty according to the Commissions by which they shall be mustered.

ART V.

The Foot Guards doing Duty unmixed, to be considered as One Corps; and the Officers to take Rank, &c. as they are mustered.

And when Our Regiments of Foot Guards, or Detachments from Our said Regiments, shall do Duty together, unmixed with other Corps, they shall be considered as One Corps, and the Officers shall take Rank and do Duty according to the Commissions by which they are mustered.

SECT.

S E C T. XVI.

Administration of Justice.

A General Court-martial in Our Kingdoms of *Great Britain*, or *Ireland*, shall not consist of less than Thirteen Commissioned Officers; and the President of such Court-martial shall not be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor be under the Degree of a Field Officer.

ART. I.

General
Court-martial
in *Great Britain*
or *Ireland*.

A General Court-martial held in our Garrison of *Gibraltar*, or in any other Place beyond the Seas, shall not consist of less than Thirteen Commissioned Officers, except the same shall be holden in *Africa*, or in *New South Wales*, in which Places a General Court-martial may consist of any Number of Commissioned Officers not less than Five; and the President shall not be under the Degree of a Field Officer, unless where a Field Officer can-

ART. II.

General
Court-martial
in *Gibraltar*,
Africa, *New South Wales*, or
other Places
beyond the
Seas.

not be had; nor shall in any Case whatever be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor under the Degree of a Captain.

ART. III.

These Articles relate to the Life Guards, Horse Guards, and Foot Guards, as well as to other Forces.

Rules relating to Courts-martial, in Cases where the Life Guards and Horse Guards are concerned.

Whereas these Our Rules and Articles are to be observed by, and do in all Respects regard Our Regiments of Life Guards, Horse Guards, and Foot Guards, as well as Our other Forces: Now, for preventing Disputes which may arise between Officers of Our Life Guards and Horse Guards, and also between Officers of Our Life Guards or Horse Guards, and Officers of Our Foot Guards, in relation to their holding of Courts-martial, and upon other Points of Duty; it is hereby declared to be Our Will and Pleasure, That when any Officer or Soldier belonging to Our said Regiments of Life Guards or Regiment of Horse Guards, shall happen to be brought before a General Court-martial for Differences arising

arising purely among themselves, or for Crimes relating to Discipline, or Breach of Orders, such Courts-martial shall be composed of Officers serving in any or all of those Corps of Life Guards and Horse Guards (as they may then happen to lie for their being most conveniently assembled) where the Officers are to take post according to the Dates and Degrees of Rank granted them in their respective Commissions, without Regard to the Seniority of Corps, or other formerly pretended Privileges.

In like Manner also the Officers of Our Three Regiments of Foot Guards, for Differences arising purely among themselves, or for Crimes relating to Discipline or Breach of Orders, shall of themselves compose Courts-martial, and take Rank according to their Commissions; but for all Disputes or Differences which may happen between Officers or Soldiers belonging to Our said Corps of Life Guards

ART. IV.

Rules relating to Courts-martial where the Foot Guards are concerned.

Guards or Horse Guards, and Officers or Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of those Corps of Life Guards, Horse Guards, or Foot Guards, and Officers or Soldiers of any other of Our Forces, or among Officers or Soldiers of Our other Troops, but belonging to different Corps, the Courts-martial to be appointed in such Cases shall be equally composed of Officers belonging to the Corps in which the Parties complaining and complained of do then serve, and the President shall be taken by Turns as nearly as Our Service will, with Convenience, admit, beginning first by an Officer of One of Our Regiments of Life Guards; and so on in Course out of the other Corps, according to the Seniority in Rank of such Corps respectively.

ART. V.
 Members of
 Courts-mar-

The Members Both of General
 and Regimental Courts-martial
 shall,

shall, when belonging to different Corps, take the same Rank which they hold in the Army; but when Courts-martial shall be composed of Officers of one Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.

tial are to take the same Rank at their Sit-tings as they hold in the Army.

Exception.

The Judge-advocate General, or some Person deputed by him, shall prosecute in Our Name; and in all Trials of Offenders by General Courts-martial, administer to each Member the following Oaths:

ART. VI.

Judge-advocate is to inform and prosecute.

YOU shall well and truly try and determine, according to your Evidence, the Matter now before you.

The Oaths to be administered to the Members of all General Courts-martial.

So help you GOD.

I A. B. do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's

Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and of other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I do further swear, That I will not divulge the Sentence of the Court, until it shall be approved of by His Majesty, or by some Person duly authorised by Him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law.

So help me GOD.

And as soon as the said Oath shall have been administered to the respective

The Judge-advocate to be sworn.

spective Members, the President of the Court shall administer to the Judge-advocate, or Person officiating as such, an Oath, in the following Words :

I A. B. do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law.

The Oath.

So help me G O D.

All the Members of a Court-martial are to behave with Decency; and in the giving of their Votes, are to begin with the youngest.

ART. VII.

Decency to be observed in Courts; and the youngest to give his Vote first.

All Persons who give Evidence before a General Court-martial are to be examined upon Oath; and no Sentence of Death shall be given against any Offender by any General Court-martial, (except the same

ART. VIII.

Rules to be observed in the Proceedings of a General Court-martial.

same shall be holden in *Africa*, or in *New South Wales*, unless Nine Officers present shall concur therein; nor shall such Sentence be given in any Case, where a Court-martial shall consist of more Officers than Thirteen, nor in *Africa* or *New South Wales*, when a Court-martial shall consist of a lesser Number of Officers, without the Concurrence of Two Thirds at the least of the Officers present.

ART. IX.

Rules to be observed in the Trial of Field Officers.

Hours of Trial.

No Field Officer shall be tried by any Person under the Degree of a Captain; nor shall any Proceedings or Trials be carried on excepting between the Hours of Eight in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

ART. X.

Rules to be observed before Execution of the Sentence of a General Court-martial.

No Sentence of a General Court-martial shall be put in Execution till after a Report shall have been made of the whole Proceedings to Us, or to the Officer commanding in Chief, or some other Person duly authorised

authorised by Us under Our Sign Manual to confirm the same, and Our or his Directions shall have been signified thereupon; excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, or to Our Chief Governor or Governors of that Kingdom, and his or their Directions are to be received thereupon.

The Commissioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental Courts-martial for the enquiring into such Disputes, or Criminal Matters, as may come before them, and for the inflicting corporal Punishments for small Offences, and shall give Judgement by the Majority of Voices; but no Sentence shall be executed until the Commanding Officer (not being a Member of the Court-martial), or the Governor of the Garrison, shall have confirmed the same.

ART. XI.

Every Regiment may hold a Regimental Court-martial for Trial of lesser Offences.

No

ART. XII.

Rules to be
observed in
Regimental
Courts-mar-
tial.

ART. XIII.

Officers com-
manding in
Forts, or Bar-
racks, may
appoint Regi-
mental
Courts-mar-
tial.

ART. XIV.

Officers com-
manding in
Forts, or Bar-
racks, may
appoint Regi-
mental
Courts-mar-
tial.

No Regimental Court-martial shall consist of less than Five Officers, excepting in Cases where that Number cannot be conveniently assembled, when Three may be sufficient; who are likewise to determine upon the Sentence by the Majority of Voices, which Sentence is to be confirmed by the Commanding Officer, not being a Member of the Court-martial, before it be carried into Execution.

Every Governor or Commander of a Garrison, when he shall judge it to be most conducive to the Good of Our Service, and every Officer commanding any of Our Forts, Castles, or Barracks, where the Corps under his Command shall consist of Detachments from different Regiments, or Independent Companies, and where the Number of Officers of the same Corps is not sufficient to form a Regimental Court-martial, may assemble Courts-martial composed of

of Officers of distinct Corps, and such Courts-martial shall have the like Powers, and proceed in the like Manner as Regimental Courts-martial, and their Sentence shall not be executed until it shall be confirmed by such Governor or Commanding Officer.

No Commissioned Officer shall be cashiered or dismissed from Our Service, excepting by an Order from Us, or by the Sentence of a General Court-martial, approved by Us, or by some Person having Authority from Us, under Our Sign Manual; but Non-commissioned Officers may be discharged as private Soldiers, and, by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court-martial, be reduced to private Centinels.

No Person whatsoever shall use menacing Words, Signs, or Gestures, in the Presence of a Court-martial then sitting, or shall cause any Disorder or Riot, so as to disturb

ART. XIV.

No Commissioned Officer may be cashiered, but by Order of His Majesty, or by a General Court-martial.

ART. XV.

The Penalty of menacing Words, Gestures, or Disturbances, before a Court-martial.

disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court-martial.

ART. XVI.

How a Commanding Officer is to proceed when an Officer is put in Arrest, or Soldier committed to Custody.

To the End that Offenders may be brought to Justice, We hereby direct, That whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his Commanding Officer, if an Officer, be put in Arrest; if a Non-commissioned Officer or Soldier, be imprisoned until he shall be either tried by a Court-martial, or shall be lawfully discharged by a proper Authority.

ART. XVII.

The Time limited for Confinement.

No Officer or Soldier, who shall be put in Arrest or Imprisonment, shall continue in his Confinement more than Eight Days, or until such Time as a Court-martial can be conveniently assembled.

ART. XVIII.

Officer of the Guard, or Provost-martial, to receive Prisoners.

No Officer commanding a Guard, or Provost-martial, shall refuse to receive, or keep, any Prisoner committed to his Charge by any Officer belonging to Our Forces; which Officer shall, at the same Time,

Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

No Officer commanding a Guard, or Provost-martial, shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing; nor shall he suffer any Prisoner to escape, on the Penalty of being punished for it by the Sentence of a Court-martial.

Every Officer or Provost-martial, to whose Charge Prisoners shall be committed, is hereby required, within Twenty-four Hours after such Commitment, or as soon as he shall be relieved from his Guard, to give in Writing to the Colonel or Commanding Officer of the Regiment to which the Prisoner belongs, (where the Prisoner is confined upon the Guard belonging to the said Regiment, and that his Offence only relates to the Neglect of Duty in his own Corps),

ART. XIX.

The Penalty if an Officer, or Provost-martial, release a Prisoner without Orders.

ART. XX.

Prisoners Names and Crimes to be returned with in 24 Hours.

Corps), or to the Commander in Chief, their Names, their Crimes, and the Names of the Officers who committed them, on the Penalty of being punished for his Disobedience or Neglect at the Discretion of a Court-martial.

ART. XXI.

The Penalty if an Officer break his Arrest.

And if any Officer under Arrest shall leave his Confinement before he is set at Liberty by the Officer who confined him, or by a superior Power, he shall, upon being convicted thereof before a General Court-martial, be cashiered.

ART. XXII.

Officers convicted of ill Behaviour to be cashiered.

Whoever Commissioned Officer shall be convicted before a General Court-martial of behaving in a scandalous infamous Manner, such as is unbecoming the Character of an Officer and a Gentleman, shall be discharged from Our Service. Provided, however, that in every Charge preferred against an Officer for such scandalous or unbecoming Behaviour, the Facts or Fact whereon the same is grounded, shall be clearly specified.

SECT.

S E C T. XVII.

Accounts.

THE Accounts of all Regiments, Troops, or Companies in Our Service, other than Our Corps of Life Guards, Horse Guards, and Foot Guards, shall be made up and transmitted at such Times and in such Manner as We have been pleased to direct by Our late Regulations touching Regimental and District Pay Masters, and the Mode of mustering, paying, and settling the Accounts of Our Army, or according to such Regulations as We may think fit to establish in relation thereto.

Certain Accounts to be made up and transmitted agreeably to the late Regulations.

S E C T. XVIII.

Entry of Commissions, and Leaves of Absence.

ALL Commissions and Leaves of Absence granted by Us, or by any of Our Generals having

All Commissions to be entered.

Authority from Us, shall be entered in the Books of Our Secretary at War, and Commissary-general, otherwise they will not be allowed of at the Musters.

S E C T. XIX.

Effects of the Dead.

ART. I.

The Major to take Care of an Officer's Effects when he dies;

WHEN any Commissioned Officer shall happen to die, or be killed in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure all his Effects or Equipage then in Camp or Quarters; and shall before the next Regimental Court-martial make an Inventory thereof, and forthwith transmit the same to the Office of Our Secretary at War, to the End that the Executors of such Officer may, after Payment of his Regimental Debts and Quarters, and Interment, receive the Overplus,

plus, if any be, to his or their Use.

When any Non-commissioned Officer or private Soldier shall happen to die, or be killed in Our Service, the then commanding Officer of the Troop or Company shall, in the Presence of Two other Commissioned Officers, take an Account of whatever Effects he dies possessed of, above his Regimental Clothing, Arms, and Accoutrements, and transmit the same to the Office of Our Secretary at War; which said Effects are to be accounted for, and paid to the Representative of such deceased Non-commissioned Officer or Soldier: And in case any of the Officers, so authorised to take Care of the Effects of dead Officers and Soldiers, should, before they have accounted to their Representatives for the same, have Occasion to leave the Regiment, by Preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the Hand of the Com-

ART. II.

and the Commanding Officer of any private Man's Effects.

manding Officer, or of the Agent of the Regiment, all the Effects of such deceased Non-commissioned Officers and Soldiers, in order that the same may be secured for, and paid to, their respective Representatives.

S E C T. XX.

Artillery.

A R T. I.

These Rules to be observed by the Officers and others of the Trains of Artillery.

ALL Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever receiving Pay or Hire in the Service of Our Artillery, shall be governed by these Our Rules and Articles, and shall be subject to be tried by Courts-martial, in like Manner with the Officers and Soldiers of Our other Troops.

A R T. II.

Courts-martial to be held by them.

For Differences arising amongst themselves, or in Matters relating solely to their own Corps, the Courts-martial may be composed of their own Officers, but where a Number

Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-martial with the Officers of Our other Corps, taking Rank according to the Dates of their respective Commissions, and no otherwise.

In like Manner also all Officers serving in the Corps of Royal Engineers, and all Officers and Persons serving in the Corps of Royal Military Artificers and Labourers, and all Master Gunners and Gunners under the Ordinance are to be governed by these Our Rules and Articles; and equally subject to Trial by Courts-martial, as Officers and Soldiers of Our other Troops.

ART. III.

Officers in the Corps of Royal Engineers, &c. to be governed by these Articles.

Their Rules to be observed by the Officers and others of the Trains of Artillery.

SECT. XXI.

American Troops.

THE Officers, Non-commissioned Officers, and Soldiers,

ART. II.

Courts-martial to be held by

ART. I.

Troops raised in America,

ers,

when acting
in Conjunction
with *British*
Forces, to be
governed by
these Articles.

ers, of any Troops which are or shall be raised in *America*, being mustered and in Pay, shall, at all Times, and in all Places, when joined, or acting in Conjunction with Our *British* Forces, be governed by these Rules or Articles of War, and shall be subject to be tried by Courts-martial in like Manner with the Officers and Soldiers of Our *British* Troops.

ART. II.

Provincial Generals and Colonels, when employed on Detachments, Courts-martial, or other Duty, in Conjunction with the Regular Forces, are to take Rank next after all Colonels having the King's Commission;

Whereas, notwithstanding the Regulations which We were pleased to make for settling the Rank of Provincial General and Field Officers in *North America*, Difficulties have arisen with regard to the Rank of the said Officers when acting in Conjunction with Our Regular Forces; and We being willing to give due Encouragement to Officers serving in Our Provincial Troops, it is Our Will and Pleasure, That for the future, all General Officers and Colonels serving by Commission from any of the Governors, Lieutenant or Deputy Govern-

Governors, or Presidents of the Council for the Time being, of Our Provinces and Colonies in *North America*, shall, on all Detachments, Courts-martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, take Rank next after all Colonels serving by Commissions signed by Us, or by Our General commanding in Chief in *North America*, though the Commissions of such Provincial Generals and Colonels should be of elder Date :

And, in like Manner, that Lieutenant Colonels, Majors, Captains, and other inferior Officers, serving by Commission from the Governors, Lieutenant or Deputy Governors, or Presidents of the Council for the Time being of Our said Provinces and Colonies in *North America*, shall, on all Detachments, Courts-martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, have Rank next after all Officers

and, in like Manner, the Lieutenant Colonels, Majors, Captains, &c. in the Provincial Troops, are to take Rank next after all Officers of like Rank in the Regular Forces.

Officers of the like Rank serving by Commissions signed by Us, or by Our General commanding in Chief in *North America*, though the Commissions of such Lieutenant Colonels, Majors, Captains, and other inferior Officers, should be of elder Date to those of the like Rank signed by Us, or by Our said General.

S E C T. XXII.

Troops in the East Indies.

ART. I.

Officers of Forces employed in the *East Indies* may sit with Officers in the Company's Service at Courts-martial, &c.

WHENEVER any of Our Forces shall be employed in the *East Indies*, the Officers of Our Forces so employed may, as often as it shall be judged necessary, be associated with Officers in the Service of the United Company of Merchants trading to the *East Indies*, to sit in Conjunction at Courts-martial; and may proceed to the Trial of any Officer, Non-commissioned Officer, or Soldier, in

in like Manner as if such Courts martial were composed of Officers of Our Forces, or of Officers in the Service of the said United Company, only: With this Distinction; that, upon the Trial of any Officer or Soldier of Our Forces, regard shall be had to the Regulations and Provisions contained in the Act for punishing Mutiny and Desertion, and the Rules and Articles of War made by Us for the Government of all Our Forces; and the Oaths administered to the several Members of the Court-martial shall be in the Terms therein prescribed: And upon the Trial of any Officer or Soldier in the Service of the said United Company, regard shall be had to the Regulations and Provisions made by or in pursuance of an Act passed in the Twenty-seventh Year of the Reign of Our late Royal Grandfather, intituled, *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of*
the

the United Company of Merchants trading to the East Indies, and for the Punishment of Offences committed in the East Indies, or at the Island of Saint Helena; and the Oaths administered to the several Members of the Court-martial shall be in the Terms prescribed by the same Act.

ART. II.

Officers having the King's Commission are to have Precedence of Officers of equal Rank in the Company's Service.

Whenever any of Our Forces shall be employed in the *East Indies*, the Officers of Our Forces so employed are, upon all Detachments, at Courts-martial, and upon any other Duty, wherein they may be joined with Officers in the Service of the United Company of Merchants trading to the *East Indies*, to command and have Precedence of Officers of equal Rank in the Service of the said United Company, although the Commissions of the said United Company's Officers should be of elder Date.

S E C T.

S E C T. XXIII.

Troops on board Ships of War.

WHENEVER any of Our Forces shall be embarked on Board Our Ships of War, or any other Ships which may have been regularly commissioned by Us, and which may be employed in the Transportation of Our Troops: Our Will and Pleasure is, that the Officers and Soldiers of such Forces, from the Time of Embarkation on Board any Ship as above described, shall strictly conform themselves to the Laws and Regulations established for the Government and Discipline of the said Ship, and shall consider themselves, for these necessary Purposes, as under the Command of the Senior Officer of the particular Ship, as well as of the Superior Officer of the Fleet (if any), to which such Ship belongs.

S E C T. XXIV.

Relating to the foregoing Articles.

ART. I.

No Officer or Soldier to be punished with Loss of Life or Limb, except in the Cases so expressed in these Articles;

NO Officer, Non-commissioned Officer, or Soldier, shall be adjudged to suffer any Punishment extending to Life or Limb by virtue of these Our Rules and Articles, within Our Kingdoms of *Great Britain or Ireland, Jersey, Guernsey, Alderney, Sark, and Man,* and the Islands thereunto belonging, except for such Crimes as are herein expressly declared to be so punishable within the same;

ART. II.

But a Court-martial may take Cognizance of Offences not capital, though not mentioned therein.

But all Crimes not capital, and all Disorders and Neglects, which Officers and Soldiers may be guilty of to the Prejudice of good Order and Military Discipline, though not specified in the said Rules and Articles, are to be taken Cognizance of by a General or Regimental Court-martial, according to

to the Nature and Degree of the Offence; and to be punished at their Discretion.

All Suttlers and Retainers to a Camp, and all Persons whatsoever serving with Our Armies in the Field, though no enlisted Soldiers, are to be subject to Orders, according to the Rules and Discipline of War.

ART. III.

Suttlers and Retainers to the Camp to be subject to Military Orders.

Notwithstanding its being directed, in the Eleventh Section of these Our Rules and Articles, that every Commanding Officer shall deliver up to the Civil Magistrate all Persons under his Command who shall be accused of any Crimes which are punishable by the known Laws of the Land; yet in Our Garrison of *Gibraltar*, or in any other Place beyond the Seas, where Our Forces now are or may be employed, and where there is no Form of Our Civil Judicature in Force, the General, Governor, or other Officer commanding in Chief for the Time being, is to appoint

ART. IV.

Courts-martial may punish Criminals in Places beyond the Seas, where there is no Civil Judicature in Force, for Offences not punishable by these Articles.

P

General

General Courts-martial as Occasion may require, for the Trial of any such Persons under his Command, accused of wilful Murder, Theft, Robbery, Rape, Coining or Clipping the Coin of *Great Britain*, or any Foreign Coin current in the Garrison or Place under his Command, or of having used Violence or committed any Offence against the Persons or Property of any of Our Subjects, or of any others entitled to Our Protection: And the Persons so accused, if found guilty, shall suffer Death, or such other Punishment, according to the Nature and Degree of their respective Offences, as by the Sentence of any such General Court-martial shall be awarded.

ART. V.

These Articles
to be read
Once in every
Two Months.

All these Our Rules and Articles are to be read and published Once in every Two Months, at the Head of every Regiment, Troop, or Company, mustered, or to be mustered, in Our Service; and are to be duly observed and exactly obeyed

obeyed by all Officers and Soldiers who are or shall be in Our Service; excepting in what relates to the Payment of Soldiers Quarters, and to Carriages; which is, in Our Kingdom of *Ireland*, to be regulated by the Lord Lieutenant or Chief Governor or Governors thereof, and in Our Islands, Provinces, and Garrisons beyond the Seas, by the respective Governors of the same, according as the different Circumstances of the said Kingdom, Islands, Provinces, or Garrisons, may require.

G. R.

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